Journal of the Senate

State of Indiana

115th General Assembly — First Regular Session

Thirteenth Meeting Day — Thursday Afternoon — February 1, 2007

The Senate convened at 1:35 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Gary P. Dillon.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Boots	Meeks
Bowser	Merritt
Bray	Miller
Breaux ▶	Mishler
Broden	Mrvan
Deig	Nugent
Delph	Paul
Dillon	Riegsecker
Drozda	Rogers
Errington	Simpson
Ford	Sipes
Gard	Skinner
Heinold	Smith
Hershman	Steele
Howard	Tallian
Hume	Walker
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 50: present 49; excused 1. [*Note: A ▶ indicates those who were excused.*] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Senate Bill 452, currently assigned to the Committee on Homeland Security, Transportation and Veterans Affairs, be reassigned to the Committee on Utilities and Regulatory Affairs.

LONG

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Resolution 7

Senate Resolution 7, introduced by Senator Long:

A SENATE RESOLUTION to honor Dale Templin as Chief Majority Doorkeeper Emeritus for his dedication and years of service to the Indiana Senate.

Whereas, Dale Templin was born and raised in Kokomo, Indiana and graduated from Kokomo High School in 1937;

Whereas, After attending the Indiana Business College for a year, Dale left school to take a job at the Kokomo Public Service of Indiana, now known as Duke Energy. In 1984, Dale retired after 44 years of service;

Whereas, Throughout his career Dale has lived in several communities around the great State of Indiana, including Kokomo, Shelbyville, Columbus and finally Franklin, Indiana;

Whereas, In every city and town he called home, Dale remained active in his community and participated in civic organizations, including the Kiwanis, Jaycees, Mental Health Association and the Boy Scouts of America;

Whereas, Dale was even elected a member of the Franklin City Council for four terms and served as president of the council during two of those terms;

Whereas, Dale's service to his community was recognized when he was awarded the Government Service Award by the Franklin Chamber of Commerce;

Whereas, Dale began his tenure as Principal Doorkeeper at the request of Senator Robert Garton in 1981 and assisted each of the Senators in communicating with the many members of the public who come to the State House to meet with their legislators; and

Whereas, Dale is presently the longest serving Principal Doorkeeper in Indiana State History and his many years of cheerful and dedicated service deserve recognition: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate honors Dale Templin as Chief Majority Doorkeeper Emeritus for his dedication and years of service to the Indiana Senate.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Dale and Madalyn Templin

and their two children, Gerald Templin and Brenda Wakefield.

The resolution was read in full and adopted by voice vote.

SENATE MOTION

Madam President: I move that Senators Alting, Becker, Boots, Bowser, Bray, Breaux, Broden, Deig, Delph, Dillon, Drozda, Errington, Ford, Gard, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Lubbers, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Tallian, Walker, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as coauthors of Senate Resolution 7.

LONG

Motion prevailed.

Senate Resolution 8

Senate Resolution 8, introduced by Senator Long:

A SENATE RESOLUTION to honor Charles W. "Todd" Eggers as Majority Doorkeeper Emeritus for his dedication and years of service to the Indiana State Senate.

Whereas, Todd Eggers was born on October 29, 1918 in Hammond, Indiana and attended George Rogers Clark High School, where he excelled at mathematics and swimming;

Whereas, Todd then joined the United States Army where he reached the rank of 1st Lieutenant in the Signal Corps after serving both in the U.S. and in Newfoundland;

Whereas, Upon completion of his military service, Todd entered Northwestern University to study Business and Economics and was a member of Beta Theta Pi Fraternity and the Womens' Athletic Association-Men's Union;

Whereas, After graduation from Northwestern, Todd moved to Iowa to work with one of his fraternity brothers at Iowa Trust and Savings. Eventually, Todd returned to Indiana to pursue a career with Allison Aircraft Engines, where he remained for 30 years, reaching the level of General Supervisor of Purchasing;

Whereas, In 1984, Todd first began serving as a Doorkeeper for the Indiana State Senate, and throughout his twenty year tenure, he has assisted each of the Senators in communicating with the many members of the public who come to the State House to meet with the legislators;

Whereas, In his capacity as Doorkeeper, Todd has served the Indiana State Senate with dignity and poise and his many years of dedicated service deserve recognition: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana State Senate honors Charles W. "Todd" Eggers as Majority Doorkeeper Emeritus for his dedication and years of service to the Indiana State Senate.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Todd and Connie Eggers and each of their sons.

The resolution was read in full and adopted by voice vote.

SENATE MOTION

Madam President: I move that Senators Alting, Becker, Boots, Bowser, Bray, Breaux, Broden, Deig, Delph, Dillon, Drozda, Errington, Ford, Gard, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Lubbers, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Tallian, Walker, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as coauthors of Senate Resolution 8.

LONG

Motion prevailed.

1:55 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 2:46 p.m., with the President of the Senate in the Chair.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 13

Senate Concurrent Resolution 13, introduced by Senator Drozda:

A CONCURRENT RESOLUTION to honor Marjorie Ann Ramey as a recipient of the 2006 Milken National Educator Award.

Whereas, Marjorie Ann Ramey has been a teacher at Carey Ridge Elementary School for the last 8 years, and has served the varied interests of education for the last 19 years;

Whereas, Mrs. Ramey has strived to make math a meaningful experience for her fourth grade students through the use of song and dance;

Whereas, In addition to incorporating music into her enthusiastic lesson plan, Mrs. Ramey has also tapped into Indiana's famous love of basketball to make math lessons an interesting academic endeavor;

Whereas, the Milken National Educator Award honors and rewards exemplary K-12 educators for their quality of teaching, professional leadership, engagement with families and the community, and for their potential for even greater contributions to the healthy and unbounded development of our nation's youth;

Whereas, Mrs. Ramey's creative approach to education has given her students a most memorable educational experience; and

Whereas, Mrs. Ramey's extraordinary efforts and dedication to the teaching profession deserve special recognition and serve as an inspiration to us all: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes and honors the dedication and creativity of Marjorie Ann Ramey and congratulates her on receiving the Milken National Educator Award.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Dr. Mark Keen, Superintendent of Westfield Washington Schools; Susan Hobson, Principal of Carey Ridge Elementary School; and Marjorie Ann Ramey.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Torr and Buck.

Senate Concurrent Resolution 14

Senate Concurrent Resolution 14, introduced by Senator Drozda:

A CONCURRENT RESOLUTION honoring Dr. Mark Keen on being named the 2006 Indiana Superintendent of the Year.

Whereas, Dr. Mark Keen graduated from Westminster College in 1969, earned a M. Ed. from the University of Missouri - St. Louis in 1976, and received his Ed. D. from the University of Missouri - Columbia in 1981;

Whereas, Upon completion of his Ed. D., Dr. Keen served as Assistant Superintendent, then Superintendent, of the St. Charles School District before accepting the job of Superintendent of Westfield Washington Schools in 1997;

Whereas, Under Dr. Keen's innovative leadership, Westfield Washington Schools has established community partnerships and utilized technology to improve the quality of instruction and communication;

Whereas, Dr. Keen helped found and is past president of the Coalition of Growing and Suburban Schools which communicates the unique and complex issues facing growing school districts to legislative bodies and the local community;

Whereas, Dr. Keen also currently serves on the American Association of School Administrators Governing Board, its Executive Committee and Federal Legislative Committee; and

Whereas, Dr. Mark Keen's dedication to preparing Westfield Washington students to work in the new Indiana economy helped earn him the 2006 Indiana Superintendent of the Year, awarded by the Indiana Association of Public School Superintendents: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes and congratulates Dr. Mark Keen as the recipient of the 2006 Indiana Superintendent of the Year.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Tenna Pershing, Director of Community Relations at Westfield Washington Schools and to Superintendent Dr. Mark Keen.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Buck and Torr.

House Concurrent Resolution 8

House Concurrent Resolution 8, sponsored by Senator Howard:

A CONCURRENT RESOLUTION honoring Crooked Creek Elementary School, MSD Washington Township, for being named a 2006 National Blue Ribbon School.

Whereas, Crooked Creek Elementary School is an outstanding elementary school that has demonstrated clear vision, a shared sense of mission, up-to-date curriculum, strong family involvement, and commitment to high standards;

Whereas, The Blue Ribbon School Award gives national recognition to a diverse group of public and private schools that are unusually effective in meeting local, state, and national goals and in educating their students;

Whereas, The program is made up of the Elementary School Recognition Program and the Secondary School Recognition Program, recognizing elementary and secondary schools in alternate years;

Whereas, The Blue Ribbon School Award recognizes excellence in leadership, teaching and student environment, curriculum and instruction, parent and community support, and organizational vitality;

Whereas, Crooked Creek Elementary School is one of America's finest public schools;

Whereas, To be selected as a recipient of the National Blue Ribbon School award, the school was required to endure a week of exams and interviews from different educational groups as part of the selection process; and

Whereas, Crooked Creek Elementary School passed the test with flying colors and was honored as one of the 14 Indiana National Blue Ribbon Schools for 2006: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the faculty, administration, staff, and families of Crooked Creek Elementary School for being selected as a 2006 National Blue Ribbon School by the U.S. Department of Education.

SECTION 2. That the Principal Clerk at the Indiana House of Representatives transmit a copy of this resolution to Mrs. Mary Beth Reffett, Principal of Crooked Creek Elementary School, and Dr. James Mervilde, Superintendent of the Metropolitan School District of Washington Township.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Concurrent Resolution 24

Senate Concurrent Resolution 24, introduced by Senators Zakas, Broden, Riegsecker, Mishler, Bowser, Weatherwax, and Heinold:

A CONCURRENT RESOLUTION congratulating Lester J. Fox on his retirement.

Whereas, Lester J. Fox has been an exemplary citizen, employee and public servant;

Whereas, Mr. Fox was employed by the Studebaker Corporation from 1944 until the plant closed in 1963, and served as chairman of the bargaining committee and as vice president of Local #5 of the United Auto Workers;

Whereas, Mr. Fox then served as a director of Project Able and Deputy Director of the Office of Economic Opportunity in Atlanta, Georgia;

Whereas, Mr. Fox returned to South Bend in 1966 to establish and direct the Resources for Enriching Adult Living Services (REAL Services). His responsibilities as President and CEO were to develop and implement a network of service programs for the older adult and low income population in a six county area in northern Indiana;

Whereas, Mr. Fox also has served on the Advisory Council of the Indiana Commission on Aging and Aged, as a program consultant to the U.S. Department of Labor, and as a member of the Technical Committee for the White House Conferences on Aging;

Whereas, Mr. Fox has been a recipient of Sagamore of the Wabash awards, was inducted into the South Bend Community Hall of Fame, and is a revered community leader; and

Whereas, Lester J. Fox's lifetime of service is worthy of recognition and congratulations on his retirement: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the General Assembly of Indiana honors Lester J. Fox for his service and congratulates him on his retirement.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Lester J. Fox.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Fry and Walorski.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Concurrent Resolution 6, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 9, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Joint Resolution 7, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 7, Nays 4.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 29, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 50, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and

Career Development, to which was referred Senate Bill 56, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 11, delete "otherwise complies with the requirements to receive an" and insert "**complies with sections 4, 9, and 12 of this chapter.**".

Page 1, delete line 12.

(Reference is to SB 56 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 128, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 1.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 136, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 333, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 517, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 1, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-5-28 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 28. Illiana Highway Proposal Review Committee

Sec. 1. As used in this chapter, "committee" refers to the Illiana highway proposal review committee established by section 2 of this chapter.

Sec. 2. The Illiana highway proposal review committee is established.

Sec. 3. (a) The committee consists of eight (8) voting members appointed as follows:

(1) Four (4) members of the senate, not more than two (2) of whom may be from the same political party, to be appointed by the president pro tempore of the senate.

(2) Four (4) members of the house of representatives, not more than two (2) of whom may be from the same political party, to be appointed by the speaker of the house of representatives.

(b) At least three (3) members appointed under subsection (a)(1) and at least three (3) members appointed under subsection (a)(2) must represent a legislative district located in whole or in part in at least one (1) of the following counties:

(1) Jasper County.

(2) Lake County.

(3) LaPorte County.

(4) Newton County.

(5) Porter County.

(6) Starke County.

(c) A vacancy on the committee shall be filled by the appointing authority.

Sec. 4. (a) The president pro tempore of the senate shall appoint a member of the committee to serve as chairperson of the committee from January 1 through December 31 of odd-numbered years.

(b) The speaker of the house of representatives shall appoint a member of the committee to serve as chairperson of the committee from January 1 through December 31 of even-numbered years.

Sec. 5. The committee shall do the following:

(1) Take and review testimony and information provided to the committee by the Indiana department of transportation, other state agencies or federal agencies, and the public concerning the proposed Illiana highway project.

(2) Prepare a report to be submitted to the governor and to the legislative council in electronic format under IC 5-14-6 regarding the committee's determination of whether the proposed Illiana highway project is recommended by the committee.

Sec. 6. The committee shall meet at the call of the chairperson.

Sec. 7. (a) Except as provided in subsection (b), the committee shall operate under the policies governing study committees adopted by the legislative council, including the requirement of filing an annual report in an electronic format under IC 5-14-6.

(b) The committee may meet at any time during the calendar year.

Sec. 8. (a) Five (5) members of the committee constitute a quorum.

(b) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.

Sec. 9. The legislative services agency shall provide staff support for the committee.

Sec. 10. Each member of the committee appointed under this chapter is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on legislative study committees established by the legislative council.

Sec. 11. Representatives of the Indiana department of transportation shall testify before the committee upon request of the chairperson concerning the following:

(1) An update on the status concerning the proposed Illiana highway project.

(2) An update on a financial feasibility study concerning the proposed Illiana highway project, including the following:

(A) Projections for acquisition costs and eminent domain issues.

(B) Expected use of the proposed highway and any toll revenues.

(C) Expected construction costs.

(D) Information sufficient for the committee to evaluate the proposed highway and possible revenue returns.

(E) Any other information concerning the feasibility study requested by the committee.

(3) Information concerning the department's request for qualifications for the proposed Illiana highway project and the status of the request.

(4) The department's proposed route for the Illiana highway, including the following:

(A) Traffic projections showing expected use and relief of congestion.

(B) Alternative routes.

(C) Environmental impacts.

(D) Economic impact studies on the proposed route and affected areas.

(5) Any other information requested by the committee.

(6) Any final proposal for the Illiana highway made by the department.

SECTION 2. IC 2-5-29 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 29. Commerce Connector Highway Proposal Review Committee

Sec. 1. As used in this chapter, "committee" refers to the commerce connector highway proposal review committee established by section 2 of this chapter.

Sec. 2. The commerce connector highway proposal review committee is established.

Sec. 3. (a) The committee consists of eight (8) voting members appointed as follows:

(1) Four (4) members of the senate, not more than two (2) of whom may be from the same political party, to be appointed by the president pro tempore of the senate.

(2) Four (4) members of the house of representatives, not more than two (2) of whom may be from the same political party, to be appointed by the speaker of the house of representatives.

(b) At least three (3) members appointed under subsection (a)(1) and at least three (3) members appointed under subsection (a)(2) must represent a legislative district located in whole or in part in at least one (1) of the following counties:

(1) Hancock County.

(2) Hendricks County.

(3) Johnson County.

(4) Madison County.

(5) Marion County.

(6) Morgan County.

(7) Shelby County.

(c) A vacancy on the committee shall be filled by the appointing authority.

Sec. 4. (a) The president pro tempore of the senate shall appoint a member of the committee to serve as chairperson of the committee from January 1 through December 31 of odd-numbered years.

(b) The speaker of the house of representatives shall appoint a member of the committee to serve as chairperson of the committee from January 1 through December 31 of even-numbered years.

Sec. 5. The committee shall do the following:

(1) Take and review testimony and information provided to the committee by the Indiana department of transportation, other state agencies or federal agencies, and the public concerning the proposed commerce connector highway project.

(2) Prepare a report to be submitted to the governor and to the legislative council in electronic format under IC 5-14-6 regarding the committee's determination of whether the proposed commerce connector highway project is recommended by the committee.

Sec. 6. The committee shall meet at the call of the chairperson.

Sec. 7. (a) Except as provided in subsection (b), the committee shall operate under the policies governing study committees adopted by the legislative council, including the requirement of filing an annual report in an electronic format under IC 5-14-6.

(b) The committee may meet at any time during the calendar year.

Sec. 8. (a) Five members of the committee constitute a quorum.

(b) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.

Sec. 9. The legislative services agency shall provide staff support for the committee.

Sec. 10. Each member of the committee appointed under this chapter is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on legislative study committees established by the

legislative council.

Sec. 11. Representatives of the Indiana department of transportation shall testify before the committee upon request of the chairperson concerning the following:

(1) An update on the status of the proposed commerce connector highway project.

(2) An update on a financial feasibility study concerning the proposed commerce connector highway, including the following:

(A) Projections for acquisition costs and eminent domain issues.

(B) Expected use of the proposed highway and any toll revenues.

(C) Expected construction costs.

(D) Information sufficient for the committee to evaluate the proposed highway and possible revenue returns.

(E) Any other information concerning the feasibility study requested by the committee.

(3) Information concerning the department's request for qualifications for the proposed commerce connector highway and the status of the request.

(4) The department's proposed route for the commerce connector highway, including the following:

(A) Traffic projections showing expected use and relief of congestion.

(B) Alternative routes.

(C) Environmental impacts.

(D) Economic impact studies on the proposed route and affected areas, including an economic impact study on Marion County.

(5) Any other information requested by the committee.

(6) Any final proposal for the commerce connector highway made by the department.".

Page 7, after line 29, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "committees" refers to the Illiana highway proposal review committee established by IC 2-5-28, as added by this act, and the commerce connector highway proposal review committee established by IC 2-5-29, as added by this act.**

(b) Initial appointments to the committees shall be made not later than June 1, 2007.

(c) This SECTION expires December 31, 2008.

SECTION 9. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 1 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 3.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill 14, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-14-14-5, AS ADDED BY P.L.47-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The major moves construction fund is established for the purpose of:

(1) funding projects, **other than passenger or freight railroad systems as described in IC 8-15.7-2-14(4),** under IC 8-15.7 or IC 8-15-3.

(2) funding other projects in the department's transportation plan; and

(3) funding distributions under sections 6 and 7 of this chapter.

(b) The fund shall be administered by the department.

(c) Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the public employees' retirement fund under IC 5-10.3-5. However, the treasurer of state may not invest the money in the fund in equity securities. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the investment of the fund and may pay the state expenses incurred under those contracts from the fund. Interest that accrues from these investments shall be deposited in the fund.

(d) The fund consists of the following:

(1) Distributions to the fund from the toll road fund under IC 8-15.5-11.

(2) Distributions to the fund from the next generation trust fund under IC 8-14-15.

(3) Appropriations to the fund.

(4) Gifts, grants, loans, bond proceeds, and other money received for deposit in the fund.

(5) Revenues arising from:

(A) a tollway under IC 8-15-3 or IC 8-23-7-22; or

(B) a toll road under IC 8-15-2 or IC 8-23-7-23;

that the department designates as part of, and deposits in, the fund.

(6) Payments, **other than payments for passenger or freight railroad systems as described in IC 8-15.7-2-14(4),** made to the authority or the department from operators under IC 8-15.7.

(7) Interest, premiums, or other earnings on the fund.

(e) The fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) Money in the fund must be appropriated by the general assembly to be available for expenditure.

SECTION 2. IC 8-14-14-7, AS ADDED BY P.L.47-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. **(a)** In addition to any distributions required by section 6 of this chapter, money in the fund may be used for any of the following purposes:

(1) **Except as provided in subsection (b),** the payment of any obligation incurred or amounts owed by the authority, the department, or an operator under IC 8-15-2, IC 8-15-3, IC 8-15.5, or IC 8-15.7 in connection with the execution and

performance of a public-private agreement under IC 8-15.5 or IC 8-15.7, including establishing reserves.

(2) Lease payments to the authority, if money for those payments is specifically appropriated by the general assembly.

(3) Distributions to the treasurer of state for deposit in the state highway fund, for the funding of any project in the department's transportation plan.

(b) Money in the fund may not be used for the payment of an obligation incurred or amounts owed by the authority, the department, or an operator under IC 8-15.7 in connection with a public-private agreement under IC 8-15.7 concerning a passenger or freight railroad system as described in IC 8-15.7-2-14(4).

SECTION 3. IC 8-14-17 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 17. Alternative Transportation Construction Fund

Sec. 1. As used in this chapter, "authority" refers to the Indiana finance authority established by IC 4-4-11-4.

Sec. 2. As used in this chapter, "department" refers to the Indiana department of transportation.

Sec. 3. As used in this chapter, "fund" refers to the alternative transportation construction fund established by section 4 of this chapter.

Sec. 4. (a) The alternative transportation construction fund is established for the purpose of:

(1) funding projects under IC 8-15.7 for passenger and freight railroad systems as described in IC 8-15.7-2-14(4); and

(2) funding distributions under section 5 of this chapter.

(b) The fund shall be administered by the department.

(c) Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the public employees' retirement fund under IC 5-10.3-5. However, the treasurer of state may not invest the money in the fund in equity securities. The treasurer of state may contract with investment management professionals, investment advisers, and legal counsel to assist in the investment of the fund and may pay the state expenses incurred under those contracts from the fund. Interest that accrues from these investments shall be deposited in the fund.

(d) The fund consists of the following:

(1) Appropriations to the fund.

(2) Gifts, grants, loans, bond proceeds, and other money received for deposit in the fund.

(3) Payments made to the authority or the department from operators under IC 8-15.7 concerning passenger and freight railroad systems as described in IC 8-15.7-2-14(4).

(4) Interest, premiums, or other earnings on the fund.

(e) The fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) Money in the fund must be appropriated by the general assembly to be available for expenditure.

Sec. 5. Money in the fund may be used for any of the following purposes:

(1) The payment of any obligation incurred or amounts owed by the authority, the department, or an operator under IC 8-15.7 in connection with the execution and performance of a public-private agreement under IC 8-15.7 for a passenger or freight railroad system as described in IC 8-15.7-2-14(4).

(2) Lease payments to the authority, if money for those payments is specifically appropriated by the general assembly.".

Page 2, line 15, after "14." insert "**(a)**".

Page 2, after line 42, begin a new paragraph and insert:

"**(b) The term does not include a passenger railroad system that is operated by a commuter transportation district established under IC 8-5-15.**

SECTION 6. IC 8-15.7-5-5, AS ADDED BY P.L.47-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. To the extent that the department receives any payment or compensation under the public-private agreement other than repayment of a loan or grant or reimbursement for services provided by the department to the operator, the payment or compensation shall be distributed at the direction of the department to the:

(1) major moves construction fund established under IC 8-14-14;

(2) department for deposit in the state highway fund established by IC 8-23-9-54; ~~or~~

(3) alternative transportation construction fund established under IC 8-14-17; or

~~(3)~~ **(4)** operator or the authority for debt reduction.".

Renumber all SECTIONS consecutively.

(Reference is to SB 14 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 19, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 2, delete "[EFFECTIVE JULY 1, 2007]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 1, line 2, after "Sec. 1." insert "**(a)**".

Page 2, after line 9, begin a new paragraph and insert:

"**(b) The governor, the lieutenant governor, or a member of the general assembly who solemnizes a marriage under subsection (a) may not accept any money for solemnizing the marriage.**

SECTION 2. **An emergency is declared for this act.**".

(Reference is to SB 19 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 4.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 42, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 15, delete "(IC 35-42-3.5-1(a)(2))" and insert "**(IC 35-42-3.5-1(a)(2)(B)**".

Page 4, line 28, after "who" insert "**the person knows**".

(Reference is to SB 42 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 147, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 9, begin a new paragraph and insert:

"SECTION 1. IC 33-25-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. The court of appeals consists of ~~fifteen (15)~~ **eighteen (18)** judges, who serve for the hearing and decision of causes in ~~five (5)~~ **six (6)** geographic districts described in section 2 of this chapter under Article 7, Section 5 of the Constitution of the State of Indiana.

SECTION 2. IC 33-25-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2. Indiana is divided into ~~five (5)~~ **six (6)** geographic districts, which shall be designated as the "court of appeals - First District; Second District; Third District; Fourth District; ~~and~~ Fifth District; **and Sixth District"** as follows:

(1) First District: Bartholomew, Boone, Brown, Clark, Clay, Crawford, Daviess, Dearborn, Decatur, Dubois, Fayette, Floyd, Fountain, Franklin, Gibson, Greene, Hancock, Harrison, Hendricks, Henry, Jackson, Jefferson, Jennings, Johnson, Knox, Lawrence, Martin, Monroe, Montgomery, Morgan, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Randolph, Ripley, Rush, Scott, Shelby, Spencer, Sullivan, Switzerland, Union, Vanderburgh, Vermillion, Vigo, Warrick, Washington, and Wayne.

(2) Second District: Adams, Blackford, Carroll, Cass, Clinton, Delaware, Grant, Hamilton, Howard, Huntington, Jay, Madison, Marion, Miami, Tippecanoe, Tipton, Wabash, Wells, and White.

(3) Third District: Allen, Benton, DeKalb, Elkhart, Fulton, Jasper, Kosciusko, LaGrange, Lake, LaPorte, Marshall, Newton, Noble, Porter, Pulaski, St. Joseph, Starke, Steuben, Warren, and Whitley.

(4) The entire state constitutes the Fourth District.

(5) The entire state constitutes the Fifth District.

(6) The entire state constitutes the Sixth District.

SECTION 3. IC 33-25-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) Judges of the First, Second, and Third Districts of the court of appeals must have resided in their respective districts before appointment to the court. However, judges of the court of appeals appointed before July 1, 1993, must reside in the district from which they are appointed.

(b) The following requirements apply to judges of the Fourth, ~~and~~ Fifth, **and Sixth** Districts of the court of appeals:

(1) One (1) judge must have resided in the First District before appointment to the court.

(2) One (1) judge must have resided in the Second District before appointment to the court.

(3) One (1) judge must have resided in the Third District before appointment to the court.

(c) When a vacancy is created in the court of appeals, the individual who is appointed by the governor to fill the vacancy must be a resident of the district in which the vacancy occurred.".

SECTION 4. IC 33-33-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) IC 33-29-1-3 does not apply to this section.

(b) The Floyd superior court has ~~one (1) judge,~~ **two (2) judges,** who shall be elected at the general election every six (6) years in Floyd County. ~~The~~ **A** judge's term begins January 1 following the judge's election and ends December 31 following the election of the judge's successor.".

Page 2, line 5, after "judges" insert "**.**".

Page 2, line 5, strike "who shall hold sessions in".

Page 2, strike line 6.

Page 2, delete lines 7 through 17, begin a new paragraph, and insert:

"SECTION 8. [EFFECTIVE JULY 1, 2007] **(a) Notwithstanding IC 33-33-22-3, as amended by this act, the Floyd superior court is not expanded to two (2) judges until January 1, 2009.**

(b) The initial election of the judge of the Floyd superior court added by IC 33-33-22-3, as amended by this act, is the general election on November 4, 2008. The term of the initially elected judge begins on January 1, 2009.

(c) This SECTION expires January 2, 2009.".

Page 2, delete lines 26 through 33, begin a new paragraph and insert:

"SECTION 10. [EFFECTIVE JULY 1, 2007] **(a) The judicial nominating commission shall, in accordance with IC 33-27-3, nominate three (3) candidates for each of the three (3) judgeships for the court of appeals - Sixth District created by IC 33-25-1, as amended by this act. The commission shall submit the nominations to the governor before July 1, 2008.**

(b) The governor shall appoint the three (3) initial judges of the court of appeals - Sixth District from the list of nominees submitted by the judicial nominating commission. The effective date of the appointments is January 1, 2009.

(c) The Indiana department of administration, with the approval of the chief judge of the court of appeals, shall arrange for facilities for the court of appeals - Sixth District in Indianapolis before January 1, 2009.

(d) This SECTION expires January 2, 2009.".

Renumber all SECTIONS consecutively.

(Reference is to SB 147 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 191, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 28, delete ", any evidence,".

Page 2, line 33, delete "investigation" and insert "**initial assessment**".

Page 4, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 5. IC 36-2-14-18, AS AMENDED BY P.L.141-2006, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) Notwithstanding IC 5-14-3-4(b)(1), when a coroner investigates a death, the office of the coroner is required to make available for public inspection and copying the following:

(1) The name, age, address, sex, and race of the deceased.

(2) The address where the dead body was found, or if there is no address the location where the dead body was found and, if different, the address where the death occurred, or if there is no address the location where the death occurred.

(3) The name of the agency to which the death was reported and the name of the person reporting the death.

(4) The name of any public official or governmental employee present at the scene of the death and the name of the person certifying or pronouncing the death.

(5) Information regarding an autopsy (requested or performed) limited to the date, the person who performed the autopsy, where the autopsy was performed, and a conclusion as to:

(A) the probable cause of death;

(B) the probable manner of death; and

(C) the probable mechanism of death.

(6) The location to which the body was removed, the person determining the location to which the body was removed, and the authority under which the decision to remove the body was made.

(7) The records required to be filed by a coroner under section 6 of this chapter and the verdict and the written report required under section 10 of this chapter.

(b) A county coroner or a coroner's deputy who receives an investigatory record from a law enforcement agency shall treat the investigatory record with the same confidentiality as the law enforcement agency would treat the investigatory record.

(c) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, video recording, or audio recording of the autopsy, upon the written request of the next of kin of the decedent or of an insurance company investigating a claim arising from the death of the individual upon whom the autopsy was performed. The insurance company is prohibited from publicly disclosing any information contained in the report beyond that information that may otherwise be disclosed by a coroner under this section. This prohibition does not apply to information disclosed in communications in conjunction with the investigation, settlement, or payment of the claim.

(d) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, video recording, or audio recording of the autopsy, upon the written request of:

(1) the director of the division of disability and rehabilitative services established by IC 12-9-1-1;

(2) the director of the division of mental health and addiction established by IC 12-21-1-1; or

(3) the director of the division of aging established by IC 12-9.1-1-1;

in connection with a division's review of the circumstances surrounding the death of an individual who received services from a division or through a division at the time of the individual's death.

(e) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, including a photograph, a video recording, or an audio recording of the autopsy, to:

(1) the department of child services established by IC 31-25-1-1, including an office of the department located in the county where the death occurred;

(2) the statewide child fatality review committee established by IC 31-33-25-6; or

(3) a county child fatality review team or regional child fatality review team established under IC 31-33-24-6 by the county or for the county where the death occurred;

for purposes of the entities described in subdivisions (1) through (3) conducting a review or an investigation of the circumstances surrounding the death of a child (as defined in IC 31-9-2-13(d)(1)) and making a determination whether the death of the child was a result of abuse, abandonment, or neglect.".

Page 5, between lines 18 and 19, begin a new paragraph and insert:

"**(f) The Indiana law enforcement academy shall issue a coroner or deputy coroner a certificate upon successful completion of the courses described in subsections (a) and (b).**".

Page 5, line 29, delete "." and insert "**after the year in which the coroner or deputy coroner received the training required by section 22(a) of this chapter.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 191 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 193, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, between lines 17 and 18, begin a new line block indented

and insert:

"**(3) A health facility that is licensed or is to be licensed under IC 16-28 and that adds, constructs, or converts a comprehensive care bed that is a replacement bed for an existing comprehensive care bed.**

(4) A health facility that is licensed or is to be licensed under IC 16-28 and that applies to certify a comprehensive care bed for participation in a state reimbursement program, if the bed for which the health facility is seeking certification is a replacement bed for an existing certified comprehensive care bed.".

(Reference is to SB 193 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 201, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, reset in roman line 17.

Page 3, line 18, reset in roman "preferred drug list at least".

Page 3, line 18, after "times" insert "**one (1) time**".

Page 3, line 18, reset in roman "per year to the select joint".

Page 3, reset in roman line 19.

Page 3, line 20, reset in roman "(14)".

Page 3, line 20, delete "(13)".

Page 3, line 23, reset in roman "(15)".

Page 3, line 23, delete "(14)".

Page 5, line 2, reset in roman "(h) At least".

Page 5, line 2, after "times" insert "**one (1) time**".

Page 5, line 2, reset in roman "each year, the board shall provide a report".

Page 5, reset in roman lines 3 through14.

(Reference is to SB 201 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 246, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 4-33-2-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6.5. "Development agreement" means an agreement that:**

(1) is between:

(A) the holder of an owner's license or operating agent contract; and

(B) either:

(i) a person; or

(ii) a unit of local government; and

(2) sets forth the holder's financial commitments to support economic development in a unit or a geographic region.

SECTION 2. IC 4-33-2-19 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 19. "Incentive payment" means any payment that a holder of an owner's license or an operating agent contract is required to make under a development agreement.**

SECTION 3. IC 4-33-4-22.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 22.5. (a) The commission has continuous jurisdiction over development agreements and incentive payments, regardless of the date of the development agreement. The commission may verify and ensure that development agreements, incentive payments, and disbursements of incentive payment money received:**

(1) comport with the purposes of this article; and

(2) do not adversely affect the integrity of the riverboat gambling industry in Indiana.

(b) The commission may not, under the commission's continuous jurisdiction over development agreements, redirect an otherwise lawful payment of money under the development agreement.

SECTION 4. IC 4-33-4-23, AS ADDED BY P.L.199-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. (a) An operating agent or a person holding an owner's license must report annually to the commission the following:

(1) The total dollar amounts and recipients of incentive payments made.

(2) Any other items related to ~~the payments described in subdivision (1)~~ **an incentive payment** that the commission may require.

(b) The commission shall prescribe, with respect to ~~the~~ **a** report required by ~~subsection (a).~~ **this section:**

(1) the format of the report;

(2) the deadline by which the report must be filed; and

(3) the manner in which the report must be maintained and filed.

(c) A recipient of an incentive payment shall annually report to the commission a verified accounting of:

(1) the incentive payment received by the recipient; and

(2) any disbursements of incentive payment money received.

(d) A report required under subsection (c) must include:

(1) the legal name of the recipient of each disbursement;

(2) the date, amount, and purpose of each disbursement; and

(3) any other information required by the commission.

(e) Upon request of the commission, a recipient shall furnish to the commission sufficient documentation to prove the validity of a transaction described in a report required under subsection (c).

(f) A report submitted under subsection (c) must be made available electronically through the computer gateway administered by the office of technology established by IC 4-13.1-2-1.

SECTION 5. IC 5-11-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 25. ~~(a)~~ **Except as specifically required or provided by another law,** examinations under this chapter shall be conducted ~~annually for the following:~~

~~(1) The state.~~

~~(2) Cities.~~

~~(3) Counties.~~

~~(4) Towns with a population greater than five thousand (5,000).~~

~~(5) Public hospitals.~~

~~(b) Subject to section 9 of this chapter, examinations under this chapter shall be conducted biennially for:~~

~~(1) municipalities; and~~

~~(2) entities;~~

~~that are not listed in subsection (a).~~ **on a schedule determined by the state board of accounts. The state board of accounts may not establish an audit schedule for the examination of an entity that is inconsistent with any federal audit guidelines that govern the entity.**

SECTION 6. IC 5-11-20 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 20. Management and Use of Public Money by Municipal Benefit Entities

Sec. 1. This chapter applies only to a municipal benefit entity in a year in which the municipal benefit entity receives or holds public money.

Sec. 2. As used in this chapter, "contributing municipality" means a municipality that:

(1) gave public money to a municipal benefit entity;

(2) entered into an agreement under which a municipal benefit entity receives public money; or

(3) is a city, town, or county where a zone business (as defined in IC 5-28-15-3) received a benefit that resulted in a fee or assistance that was paid to a municipal benefit entity.

Sec. 3. As used in this chapter, "local economic development organization" has the meaning set forth in IC 5-28-11-2.

Sec. 4. (a) As used in this chapter, "municipal benefit entity" refers to any of the following:

(1) An instrumentality of a municipality.

(2) A local economic development organization that is maintained in whole or in part at public expense.

(3) A nonprofit corporation or charitable trust that:

(A) is not described in subdivision (1) or (2);

(B) has a principal purpose of making grants to unrelated organizations or institutions or to individuals for scientific, educational, cultural, or other governmental and municipal purposes; and

(C) is:

(i) maintained in whole or in part at public expense; or

(ii) supported in whole or in part by appropriations, public funds, taxation, or other public money.

(b) The term does not include the state, a municipality, or a public foundation for a nonpublic school (as defined in IC 20-18-2-12), state educational institution (as defined in IC 20-12-0.5-1), or private institution of higher education (as defined in IC 20-12-63-3).

Sec. 5. As used in this chapter, "public money" means the following:

(1) Appropriations of the state or a municipality.

(2) Public funds.

(3) Taxes and other sources of public expense.

(4) Anything of value derived from any of the following sources to the extent the amount would not otherwise qualify as public money under subdivisions (1) through (3):

(A) An interest in a grant, gift, donation, endowment, bequest, or trust that is transferred by a municipality.

(B) An agreement to share tax revenue received by a county or city under IC 4-33-12-6 or IC 4-33-13.

(C) An agreement with a municipality to share or designate the recipient of any payment from:

(i) a licensed owner (as defined in IC 4-33-2-13);

(ii) an operating agent (as defined in IC 4-33-2-14.5); or

(iii) a shareholder, partner, or member of a licensed owner (as defined in IC 4-33-2-13) or an operating agent (as defined in IC 4-33-2-14.5).

(D) Other funds not generated from a tax.

(E) Assistance or fees described in IC 5-28-15-5.

Sec. 6. (a) A contributing municipality shall after June 30, 2007, contractually require, as a condition of providing public money to a municipal benefit entity that is not required to be audited annually by the state board of accounts, that the municipal benefit entity must be audited by an independent accounting firm acceptable to the contributing municipality.

(b) A municipal benefit entity must provide the results of an audit by an independent accounting firm under this section to the contributing municipality and, in the case of a municipal benefit entity that receives money described in section 5(4)(C) of this chapter, to the Indiana gaming commission.

(c) A municipal benefit entity shall pay the costs of an audit required by this section.

(d) The providing of an audit under this section by a municipal benefit entity may not result in the municipal benefit entity being considered a public agency for purposes of IC 5-14-1.5-2(a) or IC 5-14-3-2(l).

Sec. 7. A contributing municipality shall after June 30, 2007, contractually require, as a condition of providing public money to a municipal benefit entity, that:

(1) the members of the governing body; or

(2) if the municipal benefit entity is not governed by a board, the chief executive officer;

of the municipal benefit entity shall annually file a verified written certification with each contributing municipality stating that a written statement of accounts has been prepared showing at least the items listed in section 8 of this chapter. The certification must state that the statement of accounts is available to the contributing municipality and any member of the public upon request. A municipal benefit entity may not be

exempted from these requirements by a provision in articles of incorporation, bylaws, a will, a trust agreement or other organizing agreement, an indenture, or another governing instrument. This section does not apply to an organization that is not required to file a federal information return under Section 6033(a)(3)(A)(i) or Section 6033(a)(3)(A)(ii) of the Internal Revenue Code. The written statement of accounts must be signed under penalty of perjury by each of the individuals described in subdivision (1) or (2), as appropriate.

Sec. 8. A verified written statement of accounts under section 7 of this chapter must show the following:

(1) The period covered by the account.

(2) The amount of public money held by the municipal benefit entity according to:

(A) the last preceding written statement of accounts; or

(B) the original amount received if there is no preceding statement.

(3) An itemized schedule of all public money received and disbursed, distributed, or otherwise disposed of during the period.

(4) The balance of all public money remaining at the close of the period, a description of how the public money was invested, and both the inventory and current market values of all the investments.

(5) A statement that the municipal benefit entity has been administered according to all laws and any articles of incorporation, bylaws, wills, trust agreements or other organizing agreements, indentures, and other governing instruments governing the municipal benefit entity.

(6) A statement that all public money was held, invested, and expended according to all laws and other conditions applicable to receipt of the public money.

(7) The business addresses, if any, or the residence addresses of all the members of the governing board for the municipal benefit entity.

(8) The compensation received in the period by:

(A) each member of the governing board; or

(B) if the municipal benefit entity is not governed by a board, the chief executive officer;

of the municipal benefit entity.

Sec. 9. The fiscal body of a contributing municipality shall review the amount of public money attributable to the municipality, an agreement entered into by the municipality, or a zone business (as defined in IC 5-28-15-3) in a district or zone established by the municipality that is used as compensation to or reimbursement of expenditures of:

(1) a member of the governing body; and

(2) if the municipal benefit entity is not governed by a board, the chief executive officer;

of a municipal benefit entity.".

Delete pages 2 through 8.

Renumber all SECTIONS consecutively.

(Reference is to SB 246 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 283, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 42, after "if" insert "**the person who committed the offense**".

Page 3, line 1, delete "the offense occurred while in the physical presence of" and insert "**is at least eighteen (18) years of age; and**

(ii) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.".

Page 3, delete lines 2 through 3.

(Reference is to SB 283 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 287, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 6, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 6. IC 4-21.5-2-4, AS AMENDED BY P.L.91-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) This article does not apply to any of the following agencies:

(1) The governor.

(2) The state board of accounts.

(3) The state educational institutions (as defined by IC 20-12-0.5-1).

(4) The department of workforce development.

(5) The unemployment insurance review board of the department of workforce development.

(6) The worker's compensation board of Indiana.

(7) The military officers or boards.

(8) The Indiana utility regulatory commission.

(9) The department of state revenue (excluding an agency action related to the licensure of private employment agencies).

(10) The department of local government finance.

(11) The Indiana board of tax review.

(b) This article does not apply to action related to railroad rate and tariff regulation by the Indiana department of transportation.

SECTION 7. IC 4-21.5-2-6, AS AMENDED BY P.L.234-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. ~~(a)~~ This article does not apply to the formulation, issuance, or administrative review (but does ~~except as provided in subsection (b),~~ apply to the judicial review and civil enforcement) of any of the following:

(1) Except as provided in IC 12-17.2-4-18.7 and IC 12-17.2-5-18.7, determinations by the division of family

resources and the department of child services.

(2) Determinations by the alcohol and tobacco commission.

(3) Determinations by the office of Medicaid policy and planning concerning recipients and applicants of Medicaid. However, this article does apply to determinations by the office of Medicaid policy and planning concerning providers.

(4) A final determination of the Indiana board of tax review.

~~(b) IC 4-21.5-5-12 and IC 4-21.5-5-14 do not apply to judicial review of a final determination of the Indiana board of tax review.~~

SECTION 8. IC 4-21.5-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The following have standing to obtain judicial review of an agency action:

(1) A person to whom the agency action is specifically directed.

(2) A person who was a party to the agency proceedings that led to the agency action.

(3) A person eligible for standing under a law applicable to the agency action.

(4) A person otherwise aggrieved or adversely affected by the agency action.

~~(5) The department of local government finance with respect to judicial review of a final determination of the Indiana board of tax review in an action in which the department has intervened under IC 6-1.1-15-5(b).~~

(b) A person has standing under subsection (a)(4) only if:

(1) the agency action has prejudiced or is likely to prejudice the interests of the person;

(2) the person:

(A) was eligible for an initial notice of an order or proceeding under this article, was not notified of the order or proceeding in substantial compliance with this article, and did not have actual notice of the order or proceeding before the last date in the proceeding that the person could object or otherwise intervene to contest the agency action; or

(B) was qualified to intervene to contest an agency action under IC 4-21.5-3-21(a), petitioned for intervention in the proceeding, and was denied party status;

(3) the person's asserted interests are among those that the agency was required to consider when it engaged in the agency action challenged; and

(4) a judgment in favor of the person would substantially eliminate or redress the prejudice to the person caused or likely to be caused by the agency action.

SECTION 9. IC 4-21.5-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) ~~Except as provided in subsection (c),~~ Venue is in the judicial district where:

(1) the petitioner resides or maintains a principal place of business;

(2) the agency action is to be carried out or enforced; or

(3) the principal office of the agency taking the agency action is located.

(b) If more than one (1) person may be aggrieved by the agency action, only one (1) proceeding for review may be had, and the court in which a petition for review is first properly filed has jurisdiction.

(c) The rules of procedure governing civil actions in the courts govern pleadings and requests under this chapter for a change of judge or change of venue to another judicial district described in subsection (a).

(d) Each person who was a party to the proceeding before the agency is a party to the petition for review.

~~(c) Venue with respect to judicial review of an action of the Indiana board of tax review is in the tax court.~~

SECTION 10. IC 4-22-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. Where under the provisions of any statute, the department of local government finance or the Indiana board of tax review (referred to as "the Indiana board" in this section) is required to conduct a hearing, the commissioner of the department or a member or members of the Indiana board need not be present or preside at such hearing, but the commissioner or the Indiana board shall have the power, by an order in writing, to appoint to so preside hearing officers whose duties shall be prescribed in the order. In the discharge of their duties, the hearing officers shall have all the powers to investigate and to require evidence granted to the department or the Indiana board. The department or the Indiana board may conduct any number of hearings contemporaneously through different hearing officers. ~~At the conclusion of a hearing, the hearing officer shall make a written report thereof. After receipt of the report the department or the Indiana board may take further evidence or hold further hearings. The decisions of the department or the Indiana board shall be based upon the report, additional evidence, and records as the department or Indiana board deems pertinent.~~".

Page 6, line 22, delete "or".

Page 6, line 24, after "IC 36-2-15-11;" insert "**or**

(3) the absence of any candidates in a township for the office of township assessor or township trustee-assessor who have attained the certification of a level two assessor-appraiser as required by IC 3-8-1-23.5, as described in IC 36-2-15-5(j);".

Page 7, line 8, after "assessor" insert "**:**".

Page 7, line 8, delete "shall:".

Page 7, line 9, after "(1)" insert "**shall review and may**".

Page 7, line 10, after "(2)" insert "**shall**".

Page 9, reset in italic type lines 32 through 37.

Page 12, delete lines 2 through 42, begin a new paragraph and insert:

"SECTION 19. IC 6-1.1-5.5-3, AS AMENDED BY P.L.228-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) For purposes of this section, "party" includes:

(1) a seller of property that is exempt under the seller's ownership; or

(2) a purchaser of property that is exempt under the purchaser's ownership;

from property taxes under IC 6-1.1-10.

(b) Before filing a conveyance document with the county auditor under IC 6-1.1-5-4, all the parties to the conveyance must **do the following:**

(1) Complete and sign a sales disclosure form as prescribed by the department of local government finance under section 5 of this chapter. All the parties may sign one (1) form, or if all the

parties do not agree on the information to be included on the completed form, each party may sign and file a separate form.

(2) Before filing a sales disclosure form with the county auditor, submit the sales disclosure form to the county assessor (or township assessor in the case of a county containing a consolidated city). The county assessor or township assessor must review the accuracy and completeness of each sales disclosure form submitted and, if the sales disclosure form is accurate and complete, stamp the sales disclosure form as eligible for filing with the county auditor.

(3) File the sales disclosure form with the county auditor.

(c) Except as provided in subsection (d), the auditor shall forward each sales disclosure form to the county assessor. The county assessor shall retain the forms for five (5) years. The county assessor shall forward the sales disclosure form data to the department of local government finance and the legislative services agency

~~(1) before January 1, 2005, in an electronic format, if possible; and~~

~~(2) after December 31, 2004,~~ in an electronic format specified jointly by the department of local government finance and the legislative services agency.

The county assessor shall forward a copy of the sales disclosure forms to the township assessors in the county. The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(d) In a county containing a consolidated city, the auditor shall forward the sales disclosure form to the appropriate township assessor. The township assessor shall forward the sales disclosure form to the department of local government finance and the legislative services agency

~~(1) before January 1, 2005, in an electronic format, if possible; and~~

~~(2) after December 31, 2004,~~ in an electronic format specified jointly by the department of local government finance and the legislative services agency.

The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(e) If a sales disclosure form includes the telephone number or Social Security number of a party, the telephone number or Social Security number is confidential.".

Page 13, delete lines 1 through 36.

Page 14, line 30, after "statement" delete "." and insert "**or a statement from the mortgagor or closing agent that states the sale price of the real property transferred under the conveyance document.**".

Page 14, line 36, after "mortgagor" insert "**or closing agent**".

Page 18, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 30. IC 6-1.1-12.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) Except as provided in section 2(i)(4) of this chapter, **and subject to section 15 of this chapter,** the amount of the deduction which the property owner is entitled to receive under section 3 of this chapter for a particular year equals the product of:

(1) the increase in the assessed value resulting from the rehabilitation or redevelopment; multiplied by

(2) the percentage prescribed in the table set forth in subsection (d).

(b) The amount of the deduction determined under subsection (a) shall be adjusted in accordance with this subsection in the following circumstances:

(1) If a general reassessment of real property occurs within the particular period of the deduction, the amount determined under subsection (a)(1) shall be adjusted to reflect the percentage increase or decrease in assessed valuation that resulted from the general reassessment.

(2) If an appeal of an assessment is approved that results in a reduction of the assessed value of the redeveloped or rehabilitated property, the amount of any deduction shall be adjusted to reflect the percentage decrease that resulted from the appeal.

The department of local government finance shall adopt rules under IC 4-22-2 to implement this subsection.

(c) Property owners who had an area designated an urban development area pursuant to an application filed prior to January 1, 1979, are only entitled to the deduction for the first through the fifth years as provided in subsection (d)(10). In addition, property owners who are entitled to a deduction under this chapter pursuant to an application filed after December 31, 1978, and before January 1, 1986, are entitled to a deduction for the first through the tenth years, as provided in subsection (d)(10).

(d) The percentage to be used in calculating the deduction under subsection (a) is as follows:

(1) For deductions allowed over a one (1) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%

(2) For deductions allowed over a two (2) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	50%

(3) For deductions allowed over a three (3) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	66%
3rd	33%

(4) For deductions allowed over a four (4) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	75%
3rd	50%
4th	25%

(5) For deductions allowed over a five (5) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	80%
3rd	60%
4th	40%

5th	20%

(6) For deductions allowed over a six (6) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	66%
4th	50%
5th	34%
6th	17%

(7) For deductions allowed over a seven (7) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	71%
4th	57%
5th	43%
6th	29%
7th	14%

(8) For deductions allowed over an eight (8) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	88%
3rd	75%
4th	63%
5th	50%
6th	38%
7th	25%
8th	13%

(9) For deductions allowed over a nine (9) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	88%
3rd	77%
4th	66%
5th	55%
6th	44%
7th	33%
8th	22%
9th	11%

(10) For deductions allowed over a ten (10) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	95%
3rd	80%
4th	65%
5th	50%
6th	40%
7th	30%
8th	20%
9th	10%
10th	5%

SECTION 31. IC 6-1.1-12.1-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.1. (a) Section 4 of this chapter applies to economic revitalization areas that are not residentially distressed areas.

(b) This subsection applies to economic revitalization areas that are residentially distressed areas. **Subject to section 15 of this chapter,** the amount of the deduction that a property owner is entitled to receive under section 3 of this chapter for a particular year equals the lesser of:

(1) the assessed value of the improvement to the property after the rehabilitation or redevelopment has occurred; or

(2) the following amount:

TYPE OF DWELLING	AMOUNT
One (1) family dwelling	$74,880
Two (2) family dwelling	$106,080
Three (3) unit multifamily dwelling	$156,000
Four (4) unit multifamily dwelling	$199,680

SECTION 32. IC 6-1.1-12.1-4.5, AS AMENDED BY P.L.154-2006, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.5. (a) For purposes of this section, "personal property" means personal property other than inventory (as defined in IC 6-1.1-3-11(a)).

(b) An applicant must provide a statement of benefits to the designating body. The applicant must provide the completed statement of benefits form to the designating body before the hearing specified in section 2.5(c) of this chapter or before the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment for which the person desires to claim a deduction under this chapter. The department of local government finance shall prescribe a form for the statement of benefits. The statement of benefits must include the following information:

(1) A description of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment that the person proposes to acquire.

(2) With respect to:

(A) new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; and

(B) new research and development equipment, new logistical distribution equipment, or new information technology equipment;

an estimate of the number of individuals who will be employed or whose employment will be retained by the person as a result of the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment and an estimate of the annual salaries of these individuals.

(3) An estimate of the cost of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(4) With respect to new manufacturing equipment used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, an estimate of the amount of solid waste or hazardous waste that will be converted into energy or other useful products by the new manufacturing equipment.

The statement of benefits may be incorporated in a designation

application. Notwithstanding any other law, a statement of benefits is a public record that may be inspected and copied under IC 5-14-3-3.

(c) The designating body must review the statement of benefits required under subsection (b). The designating body shall determine whether an area should be designated an economic revitalization area or whether the deduction shall be allowed, based on (and after it has made) the following findings:

(1) Whether the estimate of the cost of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment is reasonable for equipment of that type.

(2) With respect to:

(A) new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; and

(B) new research and development equipment, new logistical distribution equipment, or new information technology equipment;

whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(3) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(4) With respect to new manufacturing equipment used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, whether the estimate of the amount of solid waste or hazardous waste that will be converted into energy or other useful products can be reasonably expected to result from the installation of the new manufacturing equipment.

(5) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(6) Whether the totality of benefits is sufficient to justify the deduction.

The designating body may not designate an area an economic revitalization area or approve the deduction unless it makes the findings required by this subsection in the affirmative.

(d) Except as provided in subsection (h), and subject to subsection (i) **and section 15 of this chapter,** an owner of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment whose statement of benefits is approved after June 30, 2000, is entitled to a deduction from the assessed value of that equipment for the number of years determined by the designating body under subsection (g). Except as provided in subsection (f) and in section 2(i)(3) of this chapter, and subject to subsection (i) **and section 15 of this chapter,** the amount of the deduction that an owner is entitled to for a particular year equals the product of:

(1) the assessed value of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment in the year of deduction under the appropriate table set forth in subsection (e); multiplied by

(2) the percentage prescribed in the appropriate table set forth in subsection (e).

(e) The percentage to be used in calculating the deduction under subsection (d) is as follows:

(1) For deductions allowed over a one (1) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd and thereafter	0%

(2) For deductions allowed over a two (2) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	50%
3rd and thereafter	0%

(3) For deductions allowed over a three (3) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	66%
3rd	33%
4th and thereafter	0%

(4) For deductions allowed over a four (4) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	75%
3rd	50%
4th	25%
5th and thereafter	0%

(5) For deductions allowed over a five (5) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	80%
3rd	60%
4th	40%
5th	20%
6th and thereafter	0%

(6) For deductions allowed over a six (6) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	66%
4th	50%
5th	34%
6th	25%
7th and thereafter	0%

(7) For deductions allowed over a seven (7) year period:

YEAR OF DEDUCTION	PERCENTAGE

1st	100%
2nd	85%
3rd	71%
4th	57%
5th	43%
6th	29%
7th	14%
8th and thereafter	0%

(8) For deductions allowed over an eight (8) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	88%
3rd	75%
4th	63%
5th	50%
6th	38%
7th	25%
8th	13%
9th and thereafter	0%

(9) For deductions allowed over a nine (9) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	88%
3rd	77%
4th	66%
5th	55%
6th	44%
7th	33%
8th	22%
9th	11%
10th and thereafter	0%

(10) For deductions allowed over a ten (10) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	90%
3rd	80%
4th	70%
5th	60%
6th	50%
7th	40%
8th	30%
9th	20%
10th	10%
11th and thereafter	0%

(f) With respect to new manufacturing equipment and new research and development equipment installed before March 2, 2001, the deduction under this section is the amount that causes the net assessed value of the property after the application of the deduction under this section to equal the net assessed value after the application of the deduction under this section that results from computing:

(1) the deduction under this section as in effect on March 1, 2001; and

(2) the assessed value of the property under 50 IAC 4.2, as in effect on March 1, 2001, or, in the case of property subject to IC 6-1.1-8, 50 IAC 5.1, as in effect on March 1, 2001.

(g) For an economic revitalization area designated before July 1, 2000, the designating body shall determine whether a property owner whose statement of benefits is approved after April 30, 1991, is entitled to a deduction for five (5) or ten (10) years. For an economic revitalization area designated after June 30, 2000, the designating body shall determine the number of years the deduction is allowed. However, the deduction may not be allowed for more than ten (10) years. This determination shall be made:

(1) as part of the resolution adopted under section 2.5 of this chapter; or

(2) by resolution adopted within sixty (60) days after receiving a copy of a property owner's certified deduction application from the county auditor. A certified copy of the resolution shall be sent to the county auditor.

A determination about the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by following the procedure under subdivision (2).

(h) The owner of new manufacturing equipment that is directly used to dispose of hazardous waste is not entitled to the deduction provided by this section for a particular assessment year if during that assessment year the owner:

(1) is convicted of a violation under IC 13-7-13-3 (repealed), IC 13-7-13-4 (repealed), or IC 13-30-6; or

(2) is subject to an order or a consent decree with respect to property located in Indiana based on a violation of a federal or state rule, regulation, or statute governing the treatment, storage, or disposal of hazardous wastes that had a major or moderate potential for harm.

(i) For purposes of subsection (d), the assessed value of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment that is part of an owner's assessable depreciable personal property in a single taxing district subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 is the product of:

(1) the assessed value of the equipment determined without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9; multiplied by

(2) the quotient of:

(A) the amount of the valuation limitation determined under 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 for all of the owner's depreciable personal property in the taxing district; divided by

(B) the total true tax value of all of the owner's depreciable personal property in the taxing district that is subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 determined:

(i) under the depreciation schedules in the rules of the department of local government finance before any adjustment for abnormal obsolescence; and

(ii) without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9.

SECTION 33. IC 6-1.1-12.1-4.8, AS ADDED BY P.L.154-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.8. (a) A property owner that is an applicant for a deduction under this section must provide a statement of benefits to the designating body.

(b) If the designating body requires information from the property owner for the designating body's use in deciding whether to designate an economic revitalization area, the property owner must provide the completed statement of benefits form to the designating body before the hearing required by section 2.5(c) of this chapter. Otherwise, the property owner must submit the completed statement of benefits form to the designating body before the occupation of the eligible vacant building for which the property owner desires to claim a deduction.

(c) The department of local government finance shall prescribe a form for the statement of benefits. The statement of benefits must include the following information:

(1) A description of the eligible vacant building that the property owner or a tenant of the property owner will occupy.

(2) An estimate of the number of individuals who will be employed or whose employment will be retained by the property owner or the tenant as a result of the occupation of the eligible vacant building, and an estimate of the annual salaries of those individuals.

(3) Information regarding efforts by the owner or a previous owner to sell, lease, or rent the eligible vacant building during the period the eligible vacant building was unoccupied.

(4) Information regarding the amount for which the eligible vacant building was offered for sale, lease, or rent by the owner or a previous owner during the period the eligible vacant building was unoccupied.

(d) With the approval of the designating body, the statement of benefits may be incorporated in a designation application. A statement of benefits is a public record that may be inspected and copied under IC 5-14-3.

(e) The designating body must review the statement of benefits required by subsection (a). The designating body shall determine whether an area should be designated an economic revitalization area or whether a deduction should be allowed, after the designating body has made the following findings:

(1) Whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed occupation of the eligible vacant building.

(2) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed occupation of the eligible vacant building.

(3) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed occupation of the eligible vacant building.

(4) Whether the occupation of the eligible vacant building will increase the tax base and assist in the rehabilitation of the economic revitalization area.

(5) Whether the totality of benefits is sufficient to justify the deduction.

A designating body may not designate an area an economic revitalization area or approve a deduction under this section unless the findings required by this subsection are made in the affirmative.

(f) Except as otherwise provided in this section, the owner of an eligible vacant building located in an economic revitalization area is entitled to a deduction from the assessed value of the building if the property owner or a tenant of the property owner occupies the eligible vacant building and uses it for commercial or industrial purposes. The property owner is entitled to the deduction:

(1) for the first year in which the property owner or a tenant of the property owner occupies the eligible vacant building and uses it for commercial or industrial purposes; and

(2) for subsequent years determined under subsection (g).

(g) The designating body shall determine the number of years for which a property owner is entitled to a deduction under this section. However, **subject to section 15 of this chapter,** the deduction may not be allowed for more than two (2) years. This determination shall be made:

(1) as part of the resolution adopted under section 2.5 of this chapter; or

(2) by a resolution adopted not more than sixty (60) days after the designating body receives a copy of the property owner's deduction application from the county auditor.

A certified copy of a resolution under subdivision (2) shall be sent to the county auditor, who shall make the deduction as provided in section 5.3 of this chapter. A determination concerning the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by using the procedure under subdivision (2).

(h) Except as provided in section 2(i)(5) of this chapter and subsection (k), **and subject to section 15 of this chapter,** the amount of the deduction the property owner is entitled to receive under this section for a particular year equals the product of:

(1) the assessed value of the building or part of the building that is occupied by the property owner or a tenant of the property owner; multiplied by

(2) the percentage set forth in the table in subsection (i).

(i) The percentage to be used in calculating the deduction under subsection (h) is as follows:

(1) For deductions allowed over a one (1) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%

(2) For deductions allowed over a two (2) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	50%

(j) The amount of the deduction determined under subsection (h) shall be adjusted in accordance with this subsection in the following circumstances:

(1) If a general reassessment of real property occurs within the period of the deduction, the amount of the assessed value determined under subsection (h)(1) shall be adjusted to reflect the percentage increase or decrease in assessed valuation that resulted from the general reassessment.

(2) If an appeal of an assessment is approved and results in a reduction of the assessed value of the property, the amount of a deduction under this section shall be adjusted to reflect the percentage decrease that resulted from the appeal.

(k) The maximum amount of a deduction under this section may not exceed the lesser of:

(1) the annual amount for which the eligible vacant building was offered for lease or rent by the owner or a previous owner

during the period the eligible vacant building was unoccupied; or

(2) an amount, as determined by the designating body in its discretion, that is equal to the annual amount for which similar buildings in the county or contiguous counties were leased or rented or offered for lease or rent during the period the eligible vacant building was unoccupied.

(l) The department of local government finance may adopt rules under IC 4-22-2 to implement this section.

SECTION 34. IC 6-1.1-12.1-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 15. (a) If:**

(1) as the result of an error the county auditor applies a deduction under this chapter for a particular assessment date in an amount that is less than the amount to which the taxpayer is entitled under this chapter; and

(2) the taxpayer is entitled to a correction of the error under this article;

the county auditor shall apply the correction of the error as provided in this section.

(b) With respect to a deduction based on an increase in the assessed value of real property, the county auditor shall apply a deduction from the assessed value of the real property:

(1) except as provided in subsection (d), for the assessment date that next succeeds the last assessment date for which a deduction under this chapter would apply without regard to this section based on that increase; and

(2) except as provided in subsection (c), in the amount of the lesser of:

(A) the remainder of:

(i) the amount of the deduction to which the taxpayer is entitled under this chapter for the particular assessment date under subsection (a); minus

(ii) the amount of the deduction that was applied for that assessment date; or

(B) the assessed value of the real property for the assessment date for which the correction applies.

(c) If the county auditor applies an incorrect deduction as described in subsection (a) for more than one (1) assessment date, the county auditor shall:

(1) combine the amounts of deduction corrections determined under subsection (b)(2)(A) for all of the assessment dates for which incorrect deductions were applied; and

(2) except as provided in subsection (d), apply that combined amount as a deduction for the assessment date referred to in subsection (b)(1) in the manner described in subsection (b)(2).

(d) If:

(1) the remainder determined under subsection (b)(2)(A); or

(2) the combined amount of deduction corrections under subsection (c)(1);

exceeds the assessed value referred to in subsection (b)(2)(B), the county auditor shall carry the excess over as assessed value deductions for the immediately succeeding assessment date or dates.

(e) With respect to a deduction based on an increase in the assessed value of personal property, the county auditor shall apply deduction corrections in the manner provided in subsections (a) through (d), except that the assessed value and deduction determinations apply to the taxpayer's personal property return.

(f) A taxpayer is not required to file an application for a deduction under this section.

SECTION 35. IC 6-1.1-12.4-2, AS ADDED BY P.L.193-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) For purposes of this section, an increase in the assessed value of real property is determined in the same manner that an increase in the assessed value of real property is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to a development, redevelopment, or rehabilitation that is first assessed after March 1, 2005, and before March 2, 2009. Except as provided in subsection (h) and sections 4, 5, and 8 of this chapter, an owner of real property that:

(1) develops, redevelops, or rehabilitates the real property; and

(2) creates or retains employment from the development, redevelopment, or rehabilitation;

is entitled to a deduction from the assessed value of the real property.

(c) **Subject to section 14 of this chapter,** the deduction under this section is first available in the year in which the increase in assessed value resulting from the development, redevelopment, or rehabilitation occurs and continues for the following two (2) years. The amount of the deduction that a property owner may receive with respect to real property located in a county for a particular year equals the lesser of:

(1) two million dollars ($2,000,000); or

(2) the product of:

(A) the increase in assessed value resulting from the development, rehabilitation, or redevelopment; multiplied by

(B) the percentage from the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	75%
2nd	50%
3rd	25%

(d) A property owner that qualifies for the deduction under this section must file a notice to claim the deduction in the manner prescribed by the department of local government finance under rules adopted by the department of local government finance under IC 4-22-2 to implement this chapter. The township assessor shall:

(1) inform the county auditor of the real property eligible for the deduction as contained in the notice filed by the taxpayer under this subsection; and

(2) inform the county auditor of the deduction amount.

(e) The county auditor shall:

(1) make the deductions; and

(2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(f) The amount of the deduction determined under subsection (c)(2) is adjusted to reflect the percentage increase or decrease in

assessed valuation that results from:

(1) a general reassessment of real property under IC 6-1.1-4-4; or

(2) an annual adjustment under IC 6-1.1-4-4.5.

(g) If an appeal of an assessment is approved that results in a reduction of the assessed value of the real property, the amount of the deduction under this section is adjusted to reflect the percentage decrease that results from the appeal.

(h) The deduction under this section does not apply to a facility listed in IC 6-1.1-12.1-3(e).

SECTION 36. IC 6-1.1-12.4-3, AS AMENDED BY P.L.154-2006, SECTION 37, AND AS AMENDED BY P.L.169-2006, SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) For purposes of this section, an increase in the assessed value of personal property is determined in the same manner that an increase in the assessed value of new manufacturing equipment is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to personal property that the owner purchases after March 1, 2005, and before March 2, 2009. Except as provided in sections 4, 5, and 8 of this chapter, an owner that purchases personal property other than inventory (as defined in 50 IAC 4.2-5-1, as in effect on January 1, 2005) that:

(1) was never before used by its owner for any purpose in Indiana; and

(2) creates or retains employment;

is entitled to a deduction from the assessed value of the personal property.

(c) **Subject to section 14 of this chapter,** the deduction under this section is first available in the year in which the increase in assessed value resulting from the purchase of the personal property occurs and continues for the following two (2) years. The amount of the deduction that a property owner may receive with respect to personal property located in a county for a particular year equals the lesser of:

(1) two million dollars ($2,000,000); or

(2) the product of:

(A) the increase in assessed value resulting from the purchase of the personal property; multiplied by

(B) the percentage from the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	75%
2nd	50%
3rd	25%

(d) If an appeal of an assessment is approved that results in a reduction of the assessed value of the personal property, the amount of the deduction is adjusted to reflect the percentage decrease that results from the appeal.

(e) A property owner must claim the deduction under this section on the owner's annual personal property tax return. The township assessor shall:

(1) identify the personal property eligible for the deduction to the county auditor; and

(2) inform the county auditor of the deduction amount.

(f) The county auditor shall:

(1) make the deductions; and

(2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(g) The deduction under this section does not apply to *personal property at* a facility listed in IC 6-1.1-12.1-3(e).

SECTION 37. IC 6-1.1-12.4-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 14. If:**

(1) as the result of an error the county auditor applies a deduction under this chapter for a particular assessment date in an amount that is less than the amount to which the taxpayer is entitled under this chapter; and

(2) the taxpayer is entitled to a correction of the error under this article;

the county auditor shall apply the correction of the error in the manner that corrections are applied under IC 6-1.1-12.1-15.".

Page 19, line 19, after "current" insert "**The right of a taxpayer to obtain a review under this subsection for an assessment date for which a notice of assessment is not given does not relieve an assessing official of the duty to provide the taxpayer with the notice of assessment as otherwise required by this article.**".

Page 41, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 53. IC 6-1.1-17-8, AS AMENDED BY P.L.2-2006, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) If the county board of tax adjustment determines that the maximum aggregate tax rate permitted within a political subdivision under IC 6-1.1-18 is inadequate, the county board shall, subject to the limitations prescribed in IC 20-45-4, file its written recommendations in duplicate with the county auditor. The board shall include with its recommendations:

(1) an analysis of the aggregate tax rate within the political subdivision;

(2) a recommended breakdown of the aggregate tax rate among the political subdivisions whose tax rates compose the aggregate tax rate within the political subdivision; and

(3) any other information that the county board considers relevant to the matter.

(b) The county auditor shall forward one (1) copy of the county board's recommendations to the department of local government finance and shall retain the other copy in the county auditor's office. The department of local government finance shall, in the manner prescribed in section 16 of this chapter, review the budgets, ~~by fund,~~ tax rates, and tax levies of the political subdivisions described in subsection (a)(2).

SECTION 54. IC 6-1.1-17-16, AS AMENDED BY P.L.2-2006, SECTION 38, AS AMENDED BY P.L.154-2006, SECTION 44, AND AS AMENDED BY P.L.169-2006, SECTION 9, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) Subject to the limitations and requirements prescribed in this section, the department of local government finance may revise, reduce, or increase a political subdivision's budget, ~~by fund,~~ tax rate, or tax levy which the department reviews under section 8 or 10 of this chapter.

(b) Subject to the limitations and requirements prescribed in this section, the department of local government finance may review, revise, reduce, or increase the budget, ~~by fund,~~ tax rate, or tax levy of any of the political subdivisions whose tax rates compose the

aggregate tax rate within a political subdivision whose budget, tax rate, or tax levy is the subject of an appeal initiated under this chapter.

(c) Except as provided in subsections (j) and (k), before the department of local government finance reviews, revises, reduces, or increases a political subdivision's budget, ~~by fund,~~ tax rate, or tax levy under this section, the department must hold a public hearing on the budget, tax rate, and tax levy. The department of local government finance shall hold the hearing in the county in which the political subdivision is located. The department of local government finance may consider the budgets, ~~by fund,~~ tax rates, and tax levies of several political subdivisions at the same public hearing. At least five (5) days before the date fixed for a public hearing, the department of local government finance shall give notice of the time and place of the hearing and of the budgets, ~~by fund,~~ levies, and tax rates to be considered at the hearing. The department of local government finance shall publish the notice in two (2) newspapers of general circulation published in the county. However, if only one (1) newspaper of general circulation is published in the county, the department of local government finance shall publish the notice in that newspaper.

(d) Except as provided in subsection (i), ~~*IC 6-1.1-19,*~~ *IC 20-45, IC 20-46,* or IC 6-1.1-18.5, the department of local government finance may not increase a political subdivision's budget, ~~by fund,~~ tax rate, or tax levy to an amount which exceeds the amount originally fixed by the political subdivision. *However, if the department of local government finance determines that IC 5-3-1-2.3(b) applies to the tax rate, tax levy, or budget of the political subdivision, the maximum amount by which the department may increase the tax rate, tax levy, or budget is the amount originally fixed by the political subdivision, and not the amount that was incorrectly published or omitted in the notice described in IC 5-3-1-2.3(b).* The department of local government finance shall give the political subdivision written notification specifying any revision, reduction, or increase the department proposes in a political subdivision's tax levy or tax rate. The political subdivision has ~~*one (1) week*~~ *two (2) weeks* from the date the political subdivision receives the notice to provide a written response to the department of local government finance's Indianapolis office. ~~*specifying how to make the required reductions in the amount budgeted by fund.*~~ *The response may include budget reductions, reallocation of levies, a revision in the amount of miscellaneous revenues, and further review of any other item about which, in the view of the political subdivision, the department is in error.* The department of local government finance shall ~~*make reductions*~~ *consider the adjustments* as specified in the political subdivision's response if the response is provided as required by this subsection. ~~and *sufficiently specifies all necessary reductions.*~~ *The department of local government finance may make a revision, a reduction, or an increase in a political subdivision's budget only* ~~*by fund.*~~ **in the total amounts budgeted for each office or department within each of the major budget classifications prescribed by the state board of accounts and** *shall deliver a final decision to the political subdivision.*

(e) The department of local government finance may not approve a levy for lease payments by a city, town, county, library, or school corporation if the lease payments are payable to a building corporation for use by the building corporation for debt service on bonds and if:

(1) no bonds of the building corporation are outstanding; or

(2) the building corporation has enough legally available funds on hand to redeem all outstanding bonds payable from the particular lease rental levy requested.

(f) The department of local government finance shall certify its action to:

(1) the county auditor;

(2) the political subdivision if the department acts pursuant to an appeal initiated by the political subdivision;

(3) the *taxpayer that initiated an appeal under section 13 of this chapter, or, if the appeal was initiated by multiple taxpayers, the* first ten (10) taxpayers whose names appear on ~~*a petition filed under section 13 of this chapter,*~~ *the statement filed to initiate the appeal;* and

(4) a taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

(g) The following may petition for judicial review of the final determination of the department of local government finance under subsection (f):

(1) If the department acts under an appeal initiated by a political subdivision, the political subdivision.

(2) If the department:

(A) acts under an appeal initiated by *one (1) or more* taxpayers under section 13 of this chapter; *or*

(B) fails to act on the appeal before the department certifies its action under subsection (f);

a taxpayer who signed the ~~*petition under that section.*~~ *statement filed to initiate the appeal.*

(3) If the department acts under an appeal initiated by the county auditor under section 14 of this chapter, the county auditor.

(4) A taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (f).

(h) The department of local government finance is expressly directed to complete the duties assigned to it under this section not later than February 15th of each year for taxes to be collected during that year.

(i) Subject to the provisions of all applicable statutes, the department of local government finance may increase a political subdivision's tax levy to an amount that exceeds the amount originally fixed by the political subdivision if the increase is:

(1) requested in writing by the officers of the political subdivision;

(2) either:

(A) based on information first obtained by the political subdivision after the public hearing under section 3 of this chapter; or

(B) results from an inadvertent mathematical error made in determining the levy; and

(3) published by the political subdivision according to a notice provided by the department.

(j) The department of local government finance shall annually review the budget ~~by fund~~ of each school corporation not later than April 1. The department of local government finance shall give the school corporation written notification specifying any revision, reduction, or increase the department proposes in the school corporation's budget. ~~by fund.~~ A public hearing is not required in connection with this review of the budget.

(k) The department of local government finance may hold a hearing under subsection (c) only if the notice required in ~~IC 6-1.1-17-12~~ **section 12 of this chapter** is published at least ten (10) days before the date of the hearing.".

Page 48, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 60. IC 6-1.1-18.5-17, AS AMENDED BY P.L.154-2006, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 17. (a) As used in this section, "levy excess" means the part of the ad valorem property tax levy actually collected by a civil taxing unit, for taxes first due and payable during a particular calendar year, that exceeds the civil taxing unit's ad valorem property tax levy, as approved by the department of local government finance under IC 6-1.1-17. The term does not include delinquent ad valorem property taxes collected during a particular year that were assessed for an assessment date that precedes the assessment date for the current year in which the ad valorem property taxes are collected.

(b) A civil taxing unit's levy excess is valid and may not be contested on the grounds that it exceeds the civil taxing unit's levy limit for the applicable calendar year. However, the civil taxing unit shall deposit, except as provided in ~~subsection~~ **subsections** (h) **and (i),** its levy excess in a special fund to be known as the civil taxing unit's levy excess fund.

(c) The chief fiscal officer of a civil taxing unit may invest money in the civil taxing unit's levy excess fund in the same manner in which money in the civil taxing unit's general fund may be invested. However, any income derived from investment of the money shall be deposited in and becomes a part of the levy excess fund.

(d) The department of local government finance shall require a civil taxing unit to include the amount in its levy excess fund in the civil taxing unit's budget fixed under IC 6-1.1-17.

(e) Except as provided by subsection (f), a civil taxing unit may not spend any money in its levy excess fund until the expenditure of the money has been included in a budget that has been approved by the department of local government finance under IC 6-1.1-17. For purposes of fixing its budget and for purposes of the ad valorem property tax levy limits imposed under this chapter, a civil taxing unit shall treat the money in its levy excess fund that the department of local government finance permits it to spend during a particular calendar year as part of its ad valorem property tax levy for that same calendar year.

(f) A civil taxing unit may transfer money from its levy excess fund to its other funds to reimburse those funds for amounts withheld from the civil taxing unit as a result of refunds paid under IC 6-1.1-26.

(g) Subject to the limitations imposed by this section, a civil taxing unit may use money in its levy excess fund for any lawful purpose for which money in any of its other funds may be used.

(h) If the amount that would, notwithstanding this subsection, be deposited in the levy excess fund of a civil taxing unit for a particular calendar year is less than one hundred dollars ($100), no money shall be deposited in the levy excess fund of the unit for that year.

(i) This subsection applies only to a civil taxing unit that:

(1) has a levy excess for a particular calendar year;

(2) in the preceding calendar year experienced a shortfall in property tax collections below the civil taxing unit's property tax levy approved by the department of local government finance under IC 6-1.1-17; and

(3) did not receive permission from the local government tax control board to impose, because of the shortfall in property tax collections in the preceding calendar year, a property tax levy that exceeds the limits imposed by section 3 of this chapter.

The amount that a civil taxing unit subject to this subsection must transfer to the civil taxing unit's levy excess fund in the calendar year in which the excess is collected shall be reduced by the amount of the civil taxing unit's shortfall in property tax collections in the preceding calendar year (but the reduction may not exceed the amount of the civil taxing unit's levy excess).".

Page 60, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 76. IC 6-1.1-37-10, AS AMENDED BY P.L.154-2006, SECTION 55, AND AS AMENDED BY P.L.67-2006, SECTION 11, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) Except as provided in ~~*section*~~ *sections* 10.5 *and 10.7* of this chapter, if an installment of property taxes is not completely paid on or before the due date, a penalty ~~*equal to ten percent (10%) of the amount of delinquent taxes*~~ shall be added to the unpaid portion in the year of the initial delinquency. *The penalty is equal to an amount determined as follows:*

(1) If:

(A) an installment of property taxes is completely paid on or before the date thirty (30) days after the due date; and

(B) the taxpayer is not liable for delinquent property taxes first due and payable in a previous ~~*year*~~ **installment** *for the same parcel;*

the amount of the penalty is equal to five percent (5%) of the amount of delinquent taxes.

(2) If subdivision (1) does not apply, the amount of the penalty is equal to ten percent (10%) of the amount of delinquent taxes.

(b) With respect to property taxes due in two (2) equal installments under IC 6-1.1-22-9(a), on the day immediately following the due dates in May and November of each year following the year of the initial delinquency, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added. With respect to property taxes due in installments under IC 6-1.1-22-9.5, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added on the day immediately following each date that succeeds the last installment due date by:

(1) six (6) months; or

(2) a multiple of six (6) months.

(c) The penalties under subsection (b) are imposed only on the principal amount of the delinquent taxes.

(d) If the department of local government finance determines that an emergency has occurred which precludes the mailing of the tax statement in any county at the time set forth in IC 6-1.1-22-8, the department shall establish by order a new date on which the installment of taxes in that county is due and no installment is delinquent if paid by the date so established.

(e) If any due date falls on a Saturday, a Sunday, a national legal holiday recognized by the federal government, or a statewide holiday, the act that must be performed by that date is timely if performed by the next succeeding day that is not a Saturday, a Sunday, or one (1) of those holidays.

(f) *Subject to subsections (g) and (h),* a payment to the county treasurer is considered to have been paid by the due date if the payment is:

(1) received on or before the due date ~~*to*~~ *by* the county treasurer or a collecting agent appointed by the county treasurer;

(2) deposited in ~~*the*~~ United States *first class* mail:

(A) properly addressed to the principal office of the county treasurer;

(B) with sufficient postage; and

(C) ~~*certified*~~ ~~*or*~~ postmarked by the United States Postal Service as mailed on or before the due date; ~~*or*~~

(3) deposited with a nationally recognized express parcel carrier and is:

(A) properly addressed to the principal office of the county treasurer; and

(B) verified by the express parcel carrier as:

(i) paid in full for final delivery; and

(ii) received *by the express parcel carrier* on or before the due date;

(4) deposited to be mailed through United States registered mail, United States certified mail, or United States certificate of mailing:

(A) properly addressed to the principal office of the county treasurer;

(B) with sufficient postage; and

(C) with a date of registration, certification, or certificate, as evidenced by any record authenticated by the United States Postal Service, on or before the due date; or

(5) made by an electronic ~~*fund*~~ **funds** *transfer and the taxpayer's bank account is charged on or before the due date.*

For purposes of this subsection, "postmarked" does not mean the date printed by a postage meter that affixes postage to the envelope or package containing a payment.

(g) If a payment is mailed through the United States mail and is physically received after the due date without a legible correct postmark, the person who mailed the payment is considered to have made the payment on or before the due date if the person can show by reasonable evidence that the payment was deposited in the United States mail on or before the due date.

(h) If a payment is sent via the United States mail or a nationally recognized express parcel carrier but is not received by the designated recipient, the person who sent the payment is considered to have made the payment on or before the due date if the person:

(1) can show by reasonable evidence that the payment was deposited in the United States mail, or with the express parcel carrier, on or before the due date; and

(2) makes a duplicate payment within thirty (30) days after the date the person is notified that the payment was not received.

SECTION 77. IC 6-1.1-40-10, AS AMENDED BY P.L.154-2006, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) Subject to subsection (e), an owner of new manufacturing equipment or inventory, or both, whose statement of benefits is approved is entitled to a deduction from the assessed value of that equipment and inventory for a period of ten (10) years. Except as provided in subsections (c) and (d), and subject to subsection (e) **and section 14 of this chapter,** for the first five (5) years, the amount of the deduction for new manufacturing equipment that an owner is entitled to for a particular year equals the assessed value of the new manufacturing equipment. Subject to subsection (e) **and section 14 of this chapter,** for the sixth through the tenth year, the amount of the deduction equals the product of:

(1) the assessed value of the new manufacturing equipment; multiplied by

(2) the percentage prescribed in the following table:

YEAR OF DEDUCTION	PERCENTAGE
6th	100%
7th	95%
8th	80%
9th	65%
10th	50%
11th and thereafter	0%

(b) **Subject to section 14 of this chapter,** for the first year the amount of the deduction for inventory equals the assessed value of the inventory. **Subject to section 14 of this chapter,** for the next nine (9) years, the amount of the deduction equals:

(1) the assessed value of the inventory for that year; multiplied by

(2) the owner's export sales ratio for the previous year, as certified by the department of state revenue under IC 6-3-2-13.

(c) A deduction under this section is not allowed in the first year the deduction is claimed for new manufacturing equipment to the extent that it would cause the assessed value of all of the personal property of the owner in the taxing district in which the equipment is located to be less than the assessed value of all of the personal property of the owner in that taxing district in the immediately preceding year.

(d) If a deduction is not fully allowed under subsection (c) in the first year the deduction is claimed, then the percentages specified in subsection (a) apply in the subsequent years to the amount of deduction that was allowed in the first year.

(e) For purposes of subsection (a), the assessed value of new manufacturing equipment that is part of an owner's assessable depreciable personal property in a single taxing district subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 is the

product of:

(1) the assessed value of the equipment determined without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9; multiplied by

(2) the quotient of:

(A) the amount of the valuation limitation determined under 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 for all of the owner's depreciable personal property in the taxing district; divided by

(B) the total true tax value of all of the owner's depreciable personal property in the taxing district that is subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 determined:

(i) under the depreciation schedules in the rules of the department of local government finance before any adjustment for abnormal obsolescence; and

(ii) without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9.

SECTION 78. IC 6-1.1-40-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 14. If:**

(1) as the result of an error the county auditor applies a deduction under this chapter for a particular assessment date in an amount that is less than the amount to which the taxpayer is entitled under this chapter; and

(2) the taxpayer is entitled to a correction of the error under this article;

the county auditor shall apply the correction of the error in the manner that corrections are applied under IC 6-1.1-12.1-15.

SECTION 79. IC 6-1.1-42-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 28. (a) Subject to this section **and section 34 of this chapter,** the amount of the deduction which the property owner is entitled to receive under this chapter for a particular year equals the product of:

(1) the increase in the assessed value resulting from the remediation and redevelopment in the zone or the location of personal property in the zone, or both; multiplied by

(2) the percentage determined under subsection (b).

(b) The percentage to be used in calculating the deduction under subsection (a) is as follows:

(1) For deductions allowed over a three (3) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	66%
3rd	33%

(2) For deductions allowed over a six (6) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	66%
4th	50%
5th	34%
6th	17%

(3) For deductions allowed over a ten (10) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	95%
3rd	80%
4th	65%
5th	50%
6th	40%
7th	30%
8th	20%
9th	10%
10th	5%

(c) The amount of the deduction determined under subsection (a) shall be adjusted in accordance with this subsection in the following circumstances:

(1) If a general reassessment of real property occurs within the particular period of the deduction, the amount determined under subsection (a)(1) shall be adjusted to reflect the percentage increase or decrease in assessed valuation that resulted from the general reassessment.

(2) If an appeal of an assessment is approved that results in a reduction of the assessed value of the redeveloped or rehabilitated property, the amount of any deduction shall be adjusted to reflect the percentage decrease that resulted from the appeal.

(3) The amount of the deduction may not exceed the limitations imposed by the designating body under section 23 of this chapter.

(4) The amount of the deduction must be proportionally reduced by the proportionate ownership of the property by a person that:

(A) has an ownership interest in an entity that contributed; or

(B) has contributed;

a contaminant (as defined in IC 13-11-2-42) that is the subject of the voluntary remediation, as determined under the written standards adopted by the department of environmental management.

The department of local government finance shall adopt rules under IC 4-22-2 to implement this subsection.

SECTION 80. IC 6-1.1-42-34 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 34. If:**

(1) as the result of an error the county auditor applies a deduction under this chapter for a particular assessment date in an amount that is less than the amount to which the taxpayer is entitled under this chapter; and

(2) the taxpayer is entitled to a correction of the error under this article;

the county auditor shall apply the correction of the error in the manner that corrections are applied under IC 6-1.1-12.1-15.

SECTION 81. IC 6-1.5-2-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6. Notwithstanding IC 5-14-3-8, the Indiana board shall charge a person that files a petition with the Indiana tax court for review of a determination by the Indiana board the reasonable cost of preparing any necessary copies and transcripts for transmittal to the court.**".

Page 64, delete lines 29 through 42.

Page 65, delete lines 1 through 24.

Page 77, line 40, delete "or".

Page 77, line 42, after ";" insert "**or**

(C) the transfer of duties is required by subsection (j);".

Page 78, between lines 27 and 28, begin a new line blocked left and insert:

"**An ordinance under this subsection to transfer assessment duties must apply to all townships in the county.**".

Page 78, after line 42, begin a new line blocked left and insert: "**An ordinance under this subsection to hold a referendum concerning the transfer of assessment duties must require the referendum to apply to all townships in the county. An ordinance may not be adopted under this subsection in a year in which an election of township assessors will be held in the county.**".

Page 79, line 9, after "determined." insert "**An ordinance under this subsection to transfer assessment duties must apply to all townships in the county.**".

Page 79, line 15, after "county." insert "**An ordinance under this subsection to hold a referendum concerning the transfer of assessment duties must require the referendum to apply to all townships in the county.**".

Page 79, between lines 26 and 27, begin a new paragraph and insert:

"**(j) If for a particular general election after June 30, 2008, there is not a candidate in a township for the office of township assessor or the office of township trustee-assessor who has attained the certification of a level two assessor-appraiser as required by IC 3-8-1-23.5, the assessment duties prescribed by IC 6-1.1 that would otherwise be performed in the township by the township assessor or township trustee-assessor are transferred to the county assessor on January 1 following the general election. If assessment duties in a township are transferred to the county assessor under this subsection, those assessment duties are transferred back to the township assessor or township trustee-assessor (as appropriate) if at a later election a candidate who has attained the certification of a level two assessor-appraiser as required by IC 3-8-1-23.5 is elected to the office of township assessor or the office of township trustee-assessor.**".

Page 89, line 27, strike "a salary".

Page 89, line 28, strike "increase of" and insert "**receive annually**".

Page 89, line 29, after "IC 6-1.1-35.5" delete "." and insert ", **which is in addition to and not part of the annual compensation of the township assessor.**".

Page 89, line 32, strike "a salary of" and insert "**receive annually**".

Page 89, line 33, after "predecessor" delete "." and insert ", **which is in addition to and not part of the annual compensation of the township assessor.**".

Page 89, line 36, strike "a salary increase of" and insert "**receive annually**".

Page 89, line 37, after "IC 6-1.1-35.5" delete "." and insert ", **which is in addition to and not part of the annual compensation of the employee.**".

Page 89, line 38, strike "salary increase under this section comprises a part of the".

Page 89, line 39, strike "township assessor's or employee's base salary" and insert "**township assessor or employee who becomes entitled to receive an additional amount under this section is entitled to receive the additional amount**".

Page 98, line 18, after "IC 6-1.1-35.5-8" delete "." and insert "; IC 6-6-5.5-18.".

Page 99, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 130. [EFFECTIVE JULY 1, 2007] **IC 6-1.1-12.1-4, IC 6-1.1-12.1-4.1, IC 6-1.1-12.1-4.5, IC 6-1.1-12.1-4.8, IC 6-1.1-12.4-2, IC 6-1.1-12.4-3, IC 6-1.1-40-10, and IC 6-1.1-42-28, all as amended by this act, and IC 6-1.1-12.1-15, IC 6-1.1-12.4-14, IC 6-1.1-40-14, and IC 6-1.1-42-34, all as added by this act, apply only to corrections of assessed value deductions for assessment dates after December 31, 2007.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 287 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill 292, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, delete lines 6 through 42.

Page 4, delete lines 1 through 41.

Page 12, line 7, strike "before the deadline".

Page 12, strike line 8.

Page 12, line 9, strike "6 of this chapter.".

Page 12, line 10, reset in roman "not less than forty-eight (48) hours before an election.".

Page 16, delete lines 11 through 42.

Page 17, delete line 1.

Page 24, line 31, strike "large or".

Page 28, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 36. IC 3-11-17-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. As used in this chapter, "election" means the period that begins on the earlier of:**

(1) the day a voting system is prepared to receive absentee ballots to be cast on election day; or

(2) the day a candidate is listed on a ballot to be cast on election day;

and ends on the day a recount or contest following election day is completed.

SECTION 37. IC 3-11-17-3, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. **(a)** If the secretary of state determines that a vendor is subject to a civil penalty under section 2 of this chapter, the secretary of state may assess a civil penalty. The civil penalty assessed under this section may not exceed three hundred thousand dollars ($300,000), plus any investigative costs incurred and documented by the secretary of state.

(b) In computing the maximum civil penalty that may be assessed under subsection (a), if a violation occurs in more than one (1) county, the violation is considered a separate violation in each county in which the violation occurs.

SECTION 38. IC 3-11-17-4, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The secretary of state is **not** subject to IC 4-21.5 in imposing a civil penalty under this chapter.".

Page 29, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 40. IC 3-11-17.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 17.5. Audits to Determine Compliance With Federal and State Election Record Retention Requirements

Sec. 1. Beginning January 1, 2008, the secretary of state shall conduct audits of the status of precinct election material retained by a circuit court clerk under IC 3-10-1-31 and IC 3-10-1-31.1.

Sec. 2. The secretary of state shall determine whether the precinct election material has been preserved in compliance with 42 U.S.C. 1974 and this title.

Sec. 3. Not later than the first Monday of June each year, the secretary of state shall randomly select one percent (1%) of all precincts in Indiana to be audited under this chapter.

Sec. 4. If the secretary of state determines that precinct election material is not being preserved in compliance with 42 U.S.C. 1974 and this title, the secretary of state shall provide a written report describing the noncompliance to the county election board of the county that is responsible for the precinct election material.

SECTION 41. IC 3-11-18-5, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except for a municipality described in subsection (b), a plan must provide a vote center for use by voters residing in each municipality within the county conducting a municipal primary or a municipal election.

(b) ~~A vote center may not be used~~ In a municipal primary or municipal election conducted within a municipality that is partially located in a county that has ~~not~~ been designated a vote center pilot county, **a vote center may not be used by a voter who does not reside within that part of the municipality that is located in the county that has been designated a vote center pilot county.**".

Page 36, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 55. [EFFECTIVE UPON PASSAGE] **(a) IC 3-11-17-1.5, as added by this act, and IC 3-11-17-3 and IC 3-11-17-4, both as amended by this act, apply to a violation that occurs after June 30, 2007.**

(b) This SECTION expires July 1, 2012.".

Renumber all SECTIONS consecutively.

(Reference is to SB 292 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 2.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill 310, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "by which proof of delivery may be established." and insert "**that:**

(1) tracks the delivery of mail; and

(2) requires a signature upon delivery;

to comply with the statute or rule.".

(Reference is to SB 310 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 327, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 20-34-4-3, AS ADDED BY P.L.1-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. **(a)** Each school shall notify each parent of a student who enrolls in the school of the requirement that the student must be immunized and that the immunization is required for the student's continued enrollment, attendance, or residence at the school unless:

(1) the parent or student provides the appropriate documentation of immunity;

(2) for chicken pox, the parent or student provides a written signed statement that the student has indicated a history of chicken pox; or

(3) IC 20-34-3-2 or IC 20-34-3-3 applies.

(b) A school that enrolls grade 6 female students shall provide each parent of a female student who is entering grade 6 with information prescribed by the state department of health under subsection (c) concerning the link between cervical cancer and the human papillomavirus (HPV) infection and that an immunization against the human papillomavirus (HPV) infection is available.

(c) The state department of health shall provide a school described in subsection (b) with the information concerning cervical cancer and the human papillomavirus (HPV) infection required in subsection (b).

(d) The state department of health shall adopt rules under IC 4-22-2 necessary to implement this section.

SECTION 2. IC 20-34-4-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.5. (a) Each school that enrolls grade 6 female students shall require the parent of a female student entering grade 6 to furnish not later than the twenty (20) school days after the first day of school a written**

statement prescribed by the state department of health under subsection (b) stating that the parent has received the information required under section 3(b) of this chapter and that:

(1) the student has received or is receiving the immunization; or

(2) the parent has decided not to have the student immunized;

against the human papillomavirus (HPV) infection.

(b) The state department of health shall prescribe the format for the written statement required under subsection (a).

(c) The state department of health shall adopt rules under IC 4-22-2 necessary to implement this section.".

Page 2, delete lines 1 through 12.

Renumber all SECTIONS consecutively.

(Reference is to SB 327 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 337, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 5 through 13, begin a new line block indented and insert:

"**(2) A notice:**

(A) stating that the information listed in subsection (d) will be provided by the county treasurer to a person or mortgagee that requests the information from the county treasurer under subsection (d); and

(B) describing the means by which a person or mortgagee may request the information under subsection (d) from the county treasurer.".

Page 3, between lines 14 and 15, begin a new line blocked left and insert:

"**A person or mortgagee requesting information under this subsection must specify whether the county treasurer shall provide the information to the person or mortgagee by telephone, regular mail, or electronic mail.**".

(Reference is to SB 337 as printed January 17, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 408, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 4, delete "chapter." and insert "chapter".

Page 4, line 11, after "aligns" insert "**in an amount determined by the department that is based upon a set minimum amount increased by an additional amount for each student in the program.**".

Page 4, line 13, after "corporation." insert "**A school that receives a grant under this subsection shall submit an annual report to the department that includes the following:**

(1) The programs for which the grant is used.

(2) The results of the programs for which the grant is used, including student general assessment results, program effectiveness, or student achievement.".

Page 5, delete lines 3 through 42.

Delete page 6.

Renumber all SECTIONS consecutively.

(Reference is to SB 408 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 450, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-23-18-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.5. The division may not grant specific approval to be a new provider of any of the following:**

(1) Methadone.

(2) Levo-alphacetylmethadol.

(3) Levo-alpha-acetylmethadol.

(4) Levomethadyl acetate.

(5) LAAM.

(6) Buprenorphine.

SECTION 2. P.L.25-2006, SECTION 1, IS REPEALED [EFFECTIVE JULY 1, 2007].".

Renumber all SECTIONS consecutively.

(Reference is to SB 450 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 504, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 10, line 10, after "federal" insert ",".

Page 10, line 10, delete "or".

Page 10, line 10, after "state" insert "**, or township**".

Page 16, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 24. IC 12-14-2.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. A person who:

(1) is ~~classified as a refugee (as defined in 8 U.S.C. 1101) is eligible for all services under this article as if the person were classified as~~ **not** a citizen of the United States;

(2) is a qualified alien, as defined in 8 U.S.C. 1641(b); and

(3) meets all other eligibility criteria under this chapter;

is eligible for the TANF program, subject to 8 U.S.C. 1612 and 8 U.S.C. 1613.".

Renumber all SECTIONS consecutively.

(Reference is to SB 504 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Regulatory Affairs, to which was referred Senate Bill 525, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-3.1-27-9.5, AS AMENDED BY P.L.122-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 9.5. **Except as provided in IC 6-3.1-28-11(c),** the total amount of credits allowed under:

(1) section 8 of this chapter;

(2) section 9 of this chapter; and

(3) IC 6-3.1-28;

may not exceed fifty million dollars ($50,000,000) for all taxpayers and all taxable years beginning after December 31, 2004. The corporation shall determine the maximum allowable amount for each type of credit, which must be at least four million dollars ($4,000,000) for each type of credit.".

Page 2, between lines 6 and 7, begin a new paragraph and insert:

"**(c) The total amount of tax credits allowed under this chapter for a taxpayer who produces at least forty million (40,000,000) gallons of cellulosic ethanol is not subject to the maximum amount of tax credits imposed by IC 6-3.1-27-9.5.**".

Page 3, line 32, after "12." insert "**(a)**".

Page 3, between lines 34 and 35, begin a new paragraph and insert:

"**(b) To receive a credit under this chapter, a taxpayer must have the amount of the taxpayer's expenditures for energy star heating and cooling equipment certified by the office of energy and defense development. The office of energy and defense development may not certify the amount of an expenditure if the certification would result in the amount of tax credits awarded under this chapter exceeding the amount of tax credits permitted under subsection (a).**

Sec. 13. The office of energy and defense development shall implement procedures for issuing the certifications required under section 12 of this chapter.".

Page 3, line 35, delete "13." and insert "**14.**".

Page 4, delete lines 3 through 12.

Page 4, line 13, delete "3." and insert "**1.**".

Page 4, line 17, delete "4." and insert "**2.**".

Page 4, line 23, delete "5." and insert "**3.**".

Page 4, delete line 25.

Page 4, line 26, delete "(2)" and insert "**(1)**".

Page 4, line 27, delete "(3)" and insert "**(2)**".

Page 4, line 28, delete "6." and insert "**4.**".

Page 4, line 36, delete "7." and insert "**5.**".

Page 4, line 36, delete "section," and insert "**chapter,**".

Page 4, line 41, delete "8." and insert "**6.**".

Page 5, line 2, delete "9." and insert "**7.**".

Page 5, line 4, delete "13" and insert "**11**".

Page 5, delete lines 19 through 34.

Page 5, line 35, delete "(c)" and insert "**(b)**".

Page 5, line 36, delete "13" and insert "**11**".

Page 6, line 8, delete "10." and insert "**8.**".

Page 6, line 24, delete "11." and insert "**9.**".

Page 6, line 28, delete "12." and insert "**10.**".

Page 6, line 30, delete "13." and insert "**11. (a)**".

Page 6, between lines 32 and 33, begin a new paragraph and insert:

"**(b) To receive a credit under this chapter, a taxpayer must have the amount of the taxpayer's expenditures for a renewable energy system certified by the office of energy and defense development. The office of energy and defense development may not certify the amount of an expenditure if the certification would result in the amount of tax credits awarded under this chapter exceeding the amount of tax credits permitted under subsection (a).**

Sec. 12. The office of energy and defense development shall implement procedures for issuing the certifications required under section 11 of this chapter."

Page 6, line 33, delete "14." and insert "**13.**".

Page 9, line 1, after "municipal wastes," insert "**food wastes,**".

Page 9, delete lines 7 through 10, begin a new paragraph and insert:

"**Sec. 4. As used in this chapter, "Indiana fuel" means either of the following:**

(1) Any of the following when the fuel is gasified, liquefied, or methanized:

(A) Biomass produced in Indiana.

(B) Indiana coal.

(C) Petroleum coke produced in Indiana.

(D) Oil shale located in Indiana.

(2) Coal mine methane when used in the production of power.".

Renumber all SECTIONS consecutively.

(Reference is to SB 525 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Tax and Fiscal Policy.

Committee Vote: Yeas 10, Nays 0.

HERSHMAN, Chair

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 17 and the same is herewith returned to the Senate.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1018, 1027, 1075, 1117, 1119, 1165, 1183, 1208, 1364, 1383, 1546, and 1722 and the same are herewith transmitted to the Senate for further action.

CLINTON MCKAY
Principal Clerk of the House

RESOLUTIONS ON SECOND READING

Senate Joint Resolution 3

Senator Delph called up Senate Joint Resolution 3 for second reading. The resolution was read a second time by title, and there being no amendments was ordered engrossed.

JOINT RESOLUTIONS ON THIRD READING

Engrossed Senate Joint Resolution 5

Senator Lawson called up Engrossed Senate Joint Resolution 5 for third reading:

A JOINT RESOLUTION proposing an amendment to Article 2 of the Constitution of the State of Indiana concerning elections.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana, which was agreed to by the One Hundred Fourteenth General Assembly and referred to this General Assembly for reconsideration and agreement, is agreed to by this the One Hundred Fifteenth General Assembly of the State of Indiana.

SECTION 2. ARTICLE 2, SECTION 2 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 2. (a) A citizen of the United States who is at least eighteen (18) years of age and who has been a resident of a precinct thirty (30) days immediately preceding an election may vote in that precinct at the election.

(b) A citizen may not be disenfranchised under subsection (a) if the citizen is entitled to vote in a precinct under subsection (c), **subsection (d),** or federal law.

(c) The General Assembly may provide that a citizen who ceases to be a resident of a precinct before an election may vote in a precinct where the citizen previously resided if, on the date of the election, the citizen's name appears on the registration rolls for the precinct.

(d) The General Assembly may provide that a citizen who:

(1) is the child of an individual who is a registered voter of Indiana; and

(2) currently resides outside the United States;

may vote in a precinct if the citizen meets all of the qualifications set forth in subsection (a) other than residence in a precinct in Indiana.

The resolution was read in full and placed upon its passage. The question was, Shall the resolution pass?

Roll Call 51: yeas 48, nays 0. The resolution was declared passed. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Pierce and Richardson.

SENATE BILLS ON SECOND READING

Senate Bill 93

Senator Landske called up Senate Bill 93 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 93–1)

Madam President: I move that Senate Bill 93 be amended to read as follows:

Page 1, line 12, delete "an automatic fire detection system throughout the" and insert "**a battery operated or hard wired smoke detector in each resident's room**".

Page 1, line 13, delete "facility".

Page 2, line 10, delete "(a)".

Page 2, delete line 27.

(Reference is to SB 93 as printed January 26, 2007.)

LANDSKE

Motion prevailed. The bill was ordered engrossed.

Senate Bill 94

Senator Landske called up Senate Bill 94 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 94–1)

Madam President: I move that Senate Bill 94 be amended to read as follows:

Page 146, delete lines 11 through 42.

Delete pages 147 through 150.

Page 151, delete lines 1 through 22.

Renumber all SECTIONS consecutively.

(Reference is to SB 94 as printed January 19, 2007.)

LANDSKE

Motion prevailed. The bill was ordered engrossed.

Senate Bill 206

Senator Gard called up Senate Bill 206 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 206–1)

Madam President: I move that Senate Bill 206 be amended to read as follows:

Page 8, line 24, delete "finds" and insert "**finds, after notice and hearing,**".

Page 8, delete lines 31 through 33.

Page 8, line 34, delete "(3)" and insert "**(2)**".

Page 8, delete lines 38 through 39, begin a new paragraph and insert:

"**(d) In addition to the incentives described in subsection (c), the commission may provide any of the following incentives for an approved regulated air emissions project:**

(1) The authorization of up to three (3) percentage points on the return on shareholder equity that would otherwise be allowed to be earned on the project.

(2) Other financial incentives the commission considers appropriate.".

(Reference is to SB 206 as printed January 30, 2007.)

GARD

Motion prevailed.

SENATE MOTION
(Amendment 206–2)

Madam President: I move that Senate Bill 206 be amended to read as follows:

Page 8, line 25, delete "shall" and insert "**may**".

LANANE

Motion failed. The bill was ordered engrossed.

Senate Bill 253

Senator Becker called up Senate Bill 253 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 410

Senator Hershman called up Senate Bill 410 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 410–1)

Madam President: I move that Senate Bill 410 be amended to read as follows:

Page 3, line 6, delete "and".

Page 3, line 7, after "applications;" insert "**and**".

Page 3, between lines 7 and 8, begin a new line block indented and insert:

"**(3) communications equipment between the customer's meter and the central office applications;**".

(Reference is to SB 410 as printed January 30, 2007.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 434

Senator Weatherwax called up Senate Bill 434 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 434–2)

Madam President: I move that Senate Bill 434 be amended to read as follows:

Page 2, line 12, delete "unique vehicle" and insert "**special**".

Page 2, line 12, delete "assigned" and insert "**stamped or otherwise placed**".

Page 2, line 13, delete "to" and insert "**on**".

Page 2, line 26, after "bureau." insert "**However, a person described in this subsection is not required to apply for an affidavit of transfer to real estate to convert a manufactured home that is attached to real estate by a permanent foundation to an improvement upon the real estate upon which it is located.**".

Page 3, line 8, delete "unique vehicle" and insert "**special**".

Page 3, line 8, delete "assigned" and insert "**stamped or otherwise placed**".

Page 3, line 9, delete "to" and insert "**on**".

Page 3, between lines 26 and 27, begin a new paragraph and insert:

"**(d) A certificate of title or a certificate of origin is not required for a person who applies for an affidavit of transfer to real estate under this section.**".

Page 3, line 41, delete "conversion" and insert "**filing**".

Page 3, line 42, delete "the assessment of" and insert "**a person who converts**".

Page 4, line 1, delete "as real property" and insert "**to an improvement upon the real estate upon which it is located.**".

Page 4, delete line 2, begin a new paragraph and insert:

"SECTION 6. IC 36-2-11-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) The recorder may record:

(1) a deed of partition;

(2) a conveyance of land; or

(3) an affidavit of transfer to ~~interest in land,~~ **real estate;**

only if it has been endorsed by the auditor of the proper county as "duly entered for taxation subject to final acceptance for transfer", "not taxable", or "duly entered for taxation" as provided by IC 36-2-9-18.

(b) A recorder who violates this section shall forfeit the sum of five dollars ($5), to be recovered by an action in the name of the county, for the benefit of the common school fund.".

Renumber all SECTIONS consecutively.

(Reference is to SB 434 as printed January 26, 2007.)

WEATHERWAX

Motion prevailed. The bill was ordered engrossed.

Senate Bill 444

Senator Riegsecker called up Senate Bill 444 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 502

Senator Kenley called up Senate Bill 502 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as second author of Senate Bill 171.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as second author of Senate Bill 282.

WATERMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as second sponsor of House Concurrent Resolution 8.

HOWARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Rogers and Drozda be added as coauthors of Senate Bill 24.

BOWSER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as coauthor of Senate Concurrent Resolution 6.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as second author of Senate Bill 193.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author of Senate Bill 535.

LANDSKE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as second author of Senate Bill 174.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, February 6, 2007.

LONG

Motion prevailed.

The Senate adjourned at 3:40 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate